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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

1° VICTORIÆ, 1837–8.

VOL. XXXIX.

COMPRISING THE PERIOD FROM

THE FIFTEENTH DAY OF NOVEMBER, 1837.

TO

THE TWENTY-THIRD DAY OF DECEMBER, 1837.

First Volume of the Session.

LONDON:

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1838.

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THE MINISTRY.

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1° VICTORIÆ 1837-8.

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Randolph Lord Stewart of Garlies *(Earl of Galloway.)*

James Thomas Lord Saltersford. *(Earl of Courtown.)*

George Allan Lord Brodrick. *(Viscount Middleton.)*

George Lord Calthorpe.

John Lord Rolle.

Richard Lord Wellesley. *(Marquess Wellesley.)*

Robert Lord Carrington.

Henry William Lord Bayning.

William Powlett Lord Bolton.

John Lord Wodehouse.

John Lord Northwick.

Thomas Atherton Lord Lilford.

Thomas Lord Ribblesdale.

John Lord Fitzgibbon. *(E. of Clare.)*

Edward Wadding Lord Dunsany. *(Elected for Ireland.)*

John Lord Carbery. *(Elected for Ireland.)*

John Ld. Farnham. *(Elect. for Ireland.)*

Henry Lord Dunalley. *(Elected for Ireland.)*

Henry Francis Seymour Lord Moore. *(Marquess of Drogheda.)*

John Loftus Lord Loftus. *(Marquess of Ely.)*

John Lord Carysfort. *(Earl of Carysfort.)*

William Lord Alvanley.

George Lord Abercromby.

Alleyne Lord St. Helen's.

John Thomas Lord Redesdale.

George Lord Rivers.

Edward Lord Ellenborough.

Arthur Moyses William Lord Sandys.

Charles George Lord Arden.

George Augustus Frederick Chas. Lord Sheffield. *(Earl of Sheffield.)*

Charles Noel Lord Barham.

David Montagu Lord Erskine.

Howe Peter Lord Mont Eagle. *(Marquess of Sligo.)*

Archibald William Lord Ardrossan. *(Earl of Eglintoun.)*

James Lord Lauderdale. *(Earl of Lauderdale.)*

George Arthur Hastings Lord Granard. *(Earl of Granard.)*

Hungerford Lord Crewe.

John Lord Ponsonby of Imokilly.

Alan Legge Lord Gardner.

Thomas Lord Manners.

John Lord Hopetoun and Niddry. *(Earl of Hopetoun.)*

Thomas Lord Lynedoch.

Rowland Lord Hill.

George Lord Dalhousie. *(Earl of Dalhousie.)*

George Lord Meldrum. *(Earl of Aboyne.)*

George Lord Ross. *(Earl of Glasgow.)*

John Willoughby Lord Grinstead. *(In another place as Earl of Enniskillen.)*

Edmund Henry Lord Foxford. *(In another place as Earl of Limerick.)*

Francis Almeric Lord Churchill.

William Lord Melbourne. *(Viscount Melbourne.)*

William George Lord Harris.

Algernon Lord Prudhoe.

Charles Lord Colchester.

John William Robert Lord Ker. *(Marquess of Lothian.)*

Francis Nathaniel Lord Minster, *(Marquess Conyngham.)* *(In another place as Lord Chamberlain of the Household.)*

James Lord Ormonde. *(Marquess of Ormonde.)*

Francis Lord Wemyss.

Robert Lord Clanbrassil. *(Earl of Roden.)*

George Lord Kingston. *(In another place as Earl of Kingston.)*

Edward Michael Lord Silchester. *(Earl of Longford.)*

George Augustus Frederick John Lord Glenlyon.

William Lord Maryborough.

Thomas Henry Lord Oriel. *(Viscount Ferrard.)*

Thomas Henry Lord Ravensworth.

Thomas Lord Delamere.

John George Weld Lord Forester.

Ulysses Lord Downes. *(Elected for Ireland.)*

Nicholas Lord Bexley.

Robert Francis Lord Gifford.

Percy-Clinton-Sydney Lord Penshurst. *(Viscount Strangford.)*

William Lord Tadcaster. *(In another place as Marquess of Thomond.)*

Ulick John Lord Somerhill. *(Marquess of Clanricarde.)*

James Lord Wigan. *(Earl of Balcarres.)*

Thomas Lord Ranfurly. *(Earl of Ranfurly.)*

Charles Lord Farnborough.

George Lord De Tabley.

James Archibald Lord Wharncliffe.

Charles Lord Feversham.

Charles Rose Lord Seaford.

John Singleton Lord Lyndhurst.

James Lord Fife. *(Earl of Fife.)*

John Henry Lord Tenterden.

William Conyngham Lord Plunket.

Thomas Lord Melros. *(Earl of Haddington.)*

Henry Lord Cowley.

Charles Lord Stuart de Rothesay.

William Lord Heytesbury.

Archibald John Lord Rosebery. *(Earl of Rosebery.)*

Richard Lord Clanwilliam. *(Earl of Clanwilliam.)*

Edward Lord Skelmersdale.

Thomas Lord Wallace.

William Draper Lord Wynford.

Henry Lord Brougham and Vaux.

William George Lord Kilmarnock. *(Earl of Erroll.)*

Arthur James Lord Fingall. *(Earl of Fingall.)*

William Philip Lord Sefton. (*Earl of Sefton.*)

Nathaniel Lord Clements. (*Earl of Leitrim.*)

George William Fox Lord Rossie. (*Lord Kinnaird.*)

Thomas Lord Kenlis. (*Marquess of Headfort.*)

John Chambre Lord Chaworth. (*Earl of Meath.*)

Alexander Edward Lord Dunmore. (*Earl of Dunmore.*)

George James Lord Ludlow. *Earl Ludlow.)*

Robert Montgomery Lord Hamilton. (*Lord Belhaven and Stenton.*)

John Francis Lord Howden.

William Lord Panmure.

George Warwick Lord Poltimore.

Edward Pryce Lord Mostyn.

William Fitzhardinge Lord Segrave.

Henry Spencer Lord Templemore.

William Lewis Lord Dinorben.

Valentine Browne Lord Cloncurry.

James Lord De Saumarez.

Francis Godolphin Lord Godolphin.

Lucius Lord Hunsdon. (*Viscount Falkland.*)

Charles Callis Lord Western.

Charles Lord Solway. (*Marquess of Queensberry.*)

Thomas Lord Denman.

John William Lord Duncannon. (*In another place as Lord Privy Seal.*)

William Lord Fitzgerald.

James Lord Abinger.

Philip Charles Lord De L'Isle and Dudley.

Alexander Lord Ashburton.

Charles Lord Glenelg. (*In another place as One of Her Majesty's Principal Secretaries of State.*)

Edward John Lord Hatherton.

John Lord Strafford.

Archibald Lord Worlingham. (*In another place as Earl of Gosford.*)

Charles Christ. Lord Cottenham. (*In another place as Lord Chancellor.*)

Henry Lord Langdale.

Edward Lord Portman.

Thomas Alexander Lord Lovat.

William Lord Bateman.

Francis William Lord Charlemont, (*In another place as Earl of Charlemont.*)

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHS, TO THE *FIRST SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN AND IRELAND*, AND *FIRST* OF *QUEEN VICTORIA*.

[*Summoned to meet for dispatch of business Nov.* 15, 1837.]

ABINGDON.
Thomas Duffield.
ANDOVER.
Sir John W. Pollen, bart.
Ralph Etwall.
ANGLESEY.
William Owen Stanley.
ARUNDEL.
Henry Granville (Howard) Lord Fitzalan.
ASHBURTON.
C. Lushington.
ASHTON-UNDER-LINE.
Charles Hindley.
AYLESBURY.
William Rickford,
Winthrop Mackworth Praed.
BANBURY.
Henry Wm. Tancred.
BARNSTAPLE.
John P. Bruce Chichester,
Frederick Hodgson.
BATH.
Right hon. Henry (Wingfield) visc. Powerscourt,
Wm. Heald Ludlow Bruges.
BEAUMARIS.
Captain Frederick Paget.
BEDFORDSHIRE.
Lord C. J. Fox Russell,
Right hon. John Hume.
BEDFORD.
Capt. Frederick Polhill,
Henry Stewart.
BERKSHIRE.
Robert Palmer,
Philip Pusey,
Rt. hon. William (Keppel) visc. Barrington.
BERWICK-UPON-TWEED.
Richard Hodgson,
William Holmes.
BEVERLEY.
J. W. Hogg,
George Lane Fox.
BEWDLEY.
Sir T. E. Winnington, bt.
BIRMINGHAM.
Thomas Attwood,
Joshua Scholefield.
BLACKBURN.
William Feilden,
William Turner.
BODMYN.
Major Vivian,
Sir Samuel Thomas Spry.
BOLTON-LE-MOORS.
William Bolling,
P. Ainsworth.
BOSTON.
J. S. Brownrigg,
Sir James Duke, bt.
BRADFORD.
Ellis Cunliffe Lister,
William Busfield.
BRECNOCKSHIRE.
Colonel Thomas Wood.
BRECON.
C. M. R. Morgan.
BRIDGENORTH.
Thos. Charlton Whitmore,
Henry Hanbury Tracey.
BRIDGEWATER.
Henry Broadwood,
Philip Courtenay.
BRIDPORT.
Henry Warburton,
Swinfin Jervis.
BRIGHTHELMSTONE.
Geo. Richd. Pechell, esq.
Sir Adolphus John Dalrymple, bart.
BRISTOL.
P. William Skinner Miles,
Hon. Francis Henry Fitzhardinge Berkeley.
BUCKINGHAMSHIRE.
R. Plantagenet (Grenville-Nugent-Chandos-Temple) Marquess of Chandos.
Sir William Young,
Geo. Simon Harcourt.
BUCKINGHAM.
Sir Thomas Fremantle, bt.
Sir Harry Verney, bart.
BURY.
Richard Walker.
BURY ST. EDMUND'S.
Lord Charles Fitzroy.
Earl Jermyn.
CALNE.
Right hon. Henry Petty (Fitzmaurice) Earl of Shelborne.
CAMBRIDGESHIRE.
Richard Greaves Townley,
Hon. Eliot Thomas Yorke,
Richard Jefferson Eaton.
CAMBRIDGE UNIVERSITY
Rt. hon. Henry Goulburn,
Hon. C. E. Law.
CAMBRIDGE.
Rt. hon. Thos. Spring Rice,
George Pryme.
CANTERBURY.
Lord Albert Conyngham,
James Bradshaw.
CARDIFF.
John Nicholl.
CARDIGANSHIRE.
Col. William Edw. Powell.
CARDIGAN.
Pryse Pryse.

CARLISLE.
Philip Henry Howard,
William Marshall.

CARMARTHENSHIRE.
Hon. G. Rice Trevor,
John Jones.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
John Ralph Ormsby Gore.

CARNARVON.
William Bulkeley Hughes.

CHATHAM.
Right hn. G. Stevens Byng.

CHELTENHAM.
Hon. Craven F. Berkeley.

CHESHIRE.
(Northern Division.)
Edward John Stanley,
William Tatton Egerton.
(Southern Division.)
George Wilbraham,
Sir P. de Malp. G. Egerton, bt.

CHESTER.
Lord Robert Grosvenor,
John Jervis.

CHICHESTER.
Right hon. Lord Arthur Lennox,
John Abel Smith.

CHIPPENHAM.
Joseph Neeld,
Henry George Boldero.

CHRISTCHURCH.
Right hon. Sir George Henry Rose G.C.H.

CIRENCESTER.
Joseph Cripps,
Thomas William Chester Master.

CLITHEROW.
John Fort, esq.

COCKERMOUTH.
Edward Horsman, esq.
Henry Aglionby Aglionby.

COLCHESTER.
Richard Sanderson.
Sir George Henry Smyth.

CORNWALL.
Eastern Division.)
Right hon. Edward Granville (Elliot) Lord Elliot,
Right hon. Sir Richard Hussey Vivian.
(*Western Division.*)
Edward William Wynne Pendarves,
Sir Charles Lemon, bart.

COVENTRY.
Right hon. Edward Ellice,
William Williams.

CRICKLADE.
John Neeld,
Ambrose Goddard.

CUMBERLAND.
(*Eastern Division*).
William James,
Francis Aglionby.
(*Western Division.*)
Edward Stanley,
Samuel Irton.

DARTMOUTH.
John Henry Seale.

DENBIGHSHIRE.
Sir Watkin Williams Wynn.
Hon. William Bagot.

DENBIGH.
Wilson Jones.

DERBYSHIRE.
(*Northern Division.*)
Hon. G. H. Cavendish,
William Evans.
(*Southern Division*).
Sir George Crewe, bt.,
Francis Hurt.

DERBY.
Edward Strutt,
Hon. John George Brabazon Ponsonby.

DEVIZES.
Thomas Henry Sutton Bucknall Estcourt,
James Whitley Deans Dundas.

DEVONPORT.
Sir George Grey,
Sir Edward Codrington.

DEVONSHIRE.
(*Northern Division.*)
Rt. hon. Hugh (Fortescue), viscount Ebrington,
Sir T. Dyke Ackland, bt.
(*Southern Division.*)
Montague Edmund Newcombe Parker,
Sir John Buller Yarde Buller, bart.

DORCHESTER.
Robert Williams, esq.,
Hon. Anthony Henry Ashley-Cooper.

DORSETSHIRE.
Rt. hon. Anthony (Ashley-Cooper) Lord Ashley,
Henry Charles Sturt,
Hon. John George Charles Fox Strangways.

DOVER.
Sir John Rae Reid, bt.
Edward Royd Rice.

DROITWICH.
John Somerset Pakington.

DUDLEY.
Thomas Hawkes.

DURHAM.
(*Northern Division.*)
Hedworth Lambton,
Hon. Henry T. Liddell.
(*Southern Division.*)
Joseph Pease, jun.
John Bowes.

DURHAM.
William Charles Harland,
Hon. Arthur Trevor.

ESSEX.
(*Northern Division.*)
Sir John Tyssen Tyrell, bt.,
Charles Gray Round.
(*Southern Division.*)
Thomas William Branston,
George Palmer.

EVESHAM.
Peter Borthwick,
George Rushout.

EXETER.
Edward Divett,
Sir William Webb Follett.

EYE.
Sir Edward Kerrison, bart.

FINSBURY.
T. Slingsby Duncombe,
Thomas Wakley.

FLINTSHIRE.
Sir Stephen R. Glynne, bt.

FLINT.
C. Whitley Deans Dundas.

FROME.
Thomas Sheppard.

GATESHEAD.
Cuthbert Rippon.

GLAMORGANSHIRE.
Christopher Rice Mansel Talbot,
Right hon. Edwin Richard Windham Wyndham (Quin) visct. Adare.

GLOUCESTERSHIRE.
(*Eastern Division.*)
Christopher William Codrington,
Hon. Augustus H. Moreton.
(*Western Division.*)
Hon. George Charles Grantley Fitzhardinge Berkeley,
Robert Blagden Hale.

Gloucester.
Henry Thomas Hope,
John Phillpots.

Grantham.
Glynne Earle Welby,
Hon. Frederick James Tollemache.

Great Grimsby.
Edward Heneage.

Greenwich.
Edward George Barnard,
Matthias Wolv. Attwood.

Guildford.
Charles Baring Wall,
Hon. James Yorke Scarlett.

Halifax.
Charles Wood,
Edward Protheroe.

Halleston.
Rt. hon. George John Frederick (West) visct. Cantilupe.

Hampshire.
(Northern Division.)
Charles Shaw Lefevre,
Sir William Heathcote, bt.
(Southern Division.)
John Fleming,
Henry Combe Compton.

Harwich.
Rt. hon. John C. Herries,
Alexander Ellice.

Hastings.
Rt. hon. Joseph Planta,
Robert Holland, esq.

Haverfordwest.
Sir Richard Bulkeley Philipps Philipps, bt.

Herefordshire.
Sir Robert Price, bt.
Kedgwin Hoskins,
Edw. Thos. Foley, D.C.L.

Hereford.
Edward Bolton Clive,
Daniel Higford Duvall Burr.

Hertfordshire.
Rt. hn. Jas. Walter (Grimston) visct. Grimston,
Rowland Alston,
Abel Smith.

Hertford.
Hon. Philip Henry (Stanhope) visct. Mahon.
Hon. W. Francis Cowper.

Honiton.
Hugh Duncan Baillie,
James Stewart.

Horsham.
Robert Henry Hurst,

Huddersfield.
William Rookes Crompton Stansfield.

Huntingdonshire.
Edward Fellowes,
George Thornhill.

Huntingdon.
Jonathan Peel,
Sir Frederick Pollock.

Hythe.
Rt. hon. William Hugh (Elliot) visct. Melgund.

Ipswich.
Thomas Gibson,
Henry Tufnell.

Kendal.
George William Wood.

Kent.
(Eastern Division.)
Sir Edw. Knatchbull, bart.,
John Pemberton Plumptre.
(Western Division.)
Thomas Law Hodges,
Sir W. R. P. Geary, bt.

Kidderminster.
Richard Godson.

King's Lynn.
Ld. G. F. C. Bentinck,
Rt. hon. Sir S. Canning.

Kingston-upon-Hull.
William Wilberforce,
Sir W. C. James, bt.

Knaresborough.
Henry Rich,
Hon. Charles Langdale.

Lambeth.
Rt. Hon. C. Tennyson D'Eyncourt,
Benjamin Hawes, jun.

Lancashire.
(Northern Division.)
Rt. hon. Edw. Geoffrey Smith (Stanley) Lord Stanley,
John Wilson Patten.
(Southern Division.)
Rt. hon. Lord Francis Leveson Egerton,
Hon. R. B. Wilbraham.

Lancaster.
Thomas Greene,
George Marton.

Launceston.
Rt. hon. Sir H. Hardinge.

Leeds.
Edward Baines,
Sir William Molesworth, bt.

Leicestershire.
(Northern Division.)
Lord Charles Somerset Manners,
Edward Basil Farnham.
(Southern Division.)
Henry Halford,
C. W. Packe.

Leicester.
Samuel Duckworth,
John Easthope.

Leominster.
Rt. hon. Beaumont (Hotham) Lord Hotham of Ireland,
Charles Greenway.

Lewes.
Sir Chas. Richard Blunt,
Hon. Henry Fitzroy.

Lichfield.
Sir George Anson,
Lord Alfred Henry Paget.

Lincolnshire.
(Parts of Lindsey.)
Hon. C. A. W. Pelham, Lord Worsley,
Robert Adam Christopher.
(Parts of Kesteven and Holland.)
Henry Handley,
Gilbert John Heathcote.

Lincoln.
C. Delaet Waldo Sibthorp
Edward G. E. L. Bulwer.

Liskeard.
Charles Buller, jun.

Liverpool.
Rt. hon. Dudley (Ryder) Viscount Sandon,
Creswell Creswell.

London.
Matthew Wood,
James Pattison,
William Crawford,
George Grote.

Ludlow.
Rt. hon. Edw. (Herbert) Viscount Clive,
Henry Salwey.

Lyme Regis.
William Pinney.

Lymington.
W. A. Mackinnon,
John Stewart.

Macclesfield.
John Brocklehurst, jun.
Thomas Grimsditch.

Maidstone.
Wyndham Lewis,

Benjamin D'Israeli.

Maldon.

Quintin Dick,
John Round.

Malmesbury.

Rt. hon. C. J. (Howard) Viscount Andover.

Malton.

J. W. Childers,
Rt. hon. W. T. S. Wentworth (Fitzwilliam) visct. Milton.

Manchester.

Mark Phillips,
Rt. hon. C. P. Thomson.

Marlborough.

Rt. hon. Lord E. A. C. B. Bruce,
Henry B. Baring.

Great Marlow.

Thomas Peers Williams,
Sir W. Clayton, bt.

Marylebone.

Sir S. Whalley, knt.
Benjamin Hall.

Merionethshire.

Richard Richards.

Merthyr Tydvil.

Josiah John Guest.

Middlesex.

George Byng,
Thomas Wood.

Midhurst.

W. S. Poyntz.

Monmouthshire.

Right hon. Lord G. C. H. Somerset,
Wm. Addams Williams.

Monmouth.

Reginald James Blewitt.

Montgomeryshire.

Rt. hon. C. W. W. Wynn. D.C.L. & F.S.A.

Montgomery.

John Edwardes.

Morpeth.

Rt. hon. Granville George (Leveson Gower) Lord Leveson.

Newark-upon-Trent.

Wm. Ewart Gladstone,
Thomas Wilde.

Newcastle-under-Line.

William Henry Miller,
Spencer Horsey de Horsey.

Newcastle-upon-Tyne.

John Hodgson Hind,
W. Ord.

Newport.

John Heywood Hawkins,
William John Blake.

Norfolk.

(*Eastern Division.*)

Edmund Wodehouse,
Henry Negus Burroughes.

Western Division.

William Bagge,
W. Lyde Wiggett Chute.

Northallerton.

W. B. Wrightson.

Northamptonshire.

(*Northern Division.*)

Rt. hon. G. J. Finch, (Hatton) visc. Maidstone.
T. P. Maunsell.

(*Southern Division.*)

W. R. Cartwright, D.C.L.,
Sir C. Knightley, bt. D.C.L.

Northampton.

Robert Vernon Smith,
Raikes Currie.

Northumberland.

(*Northern Division.*)

Rt. hon. H. (Grey) visct. Howick,
Rt. hon. C. Bennett Lord Ossulston.

(*Southern Division.*)

Matthew Bell,
Christopher Blackett.

Norwich.

Hon. R. C. Scarlett,
Rt. hon. A. R. (Wellesley) Marquess of Douro.

Nottinghamshire.

(*Northern Division.*)

Henry Gally Knight,
Thomas Houldsworth.

(*Southern Division.*)

Rt. hon. H. (Pelham Fynes Pelham Clinton) earl of Lincoln,
Lancelot Rolleston.

Nottingham.

Sir R. Crawford Ferguson,
Rt. hon. Sir J. C. Hobhouse, bt.

Oldham.

John Fielden,
William Augustus Johnson.

Oxfordshire.

George Granville Harcourt,
T. A. W. Parker,
Rt. hon. Montague (Bertie) Lord Norreys, D.C.L.

Oxford University.

T. G. B. Estcourt, D.C.L.,
Sir Robert H. Inglis, bt.

Oxford City.

Donald Maclean,
William Erle.

Pembrokeshire.

Sir John Owen, bart.

Pembroke.

Hugh Owen Owen.

Penryn and Falmouth.

Sir Robert Monsey Rolfe,
J. W. Freshfield.

Peterborough.

Sir Robert Heron, bart.
John Nicholas Fazakerley.

Petersfield.

Sir W. G. H. Joliffe, bt.

Plymouth.

Thomas Bewes,
John Collier.

Pontefract.

Richard Monckton Milnes,
William Massey Stanley.

Poole.

C. F. A. C. Ponsonby,
George Richard Philips.

Portsmouth.

John Bonham Carter,
Francis Thornhill Baring.

Preston.

Peter Hesketh Fleetwood,
Robert Townley Parker.

Radnorshire.

Walter Wilkins.

New Radnor.

Richard Price.

Reading.

Thomas Noon Talfourd,
Charles Fyshe Palmer.

Reigate.

Rt. hon. John (Somers Cocks) visct. Eastnor.

East Retford.

Granville Harcourt Vernon,
Hon. Arthur Duncombe.

Richmond.

Hon. Thos. Dundas,
A. Speirs.

Ripon.

T. Pemberton,
Rt. hon. Sir E. Burtenshaw Sugden, knt.

Rochdale.

John Fenton.

Rochester.

Ralph Bernal,
T. Benjamin Hobhouse.

Rutlandshire.

Sir Gerard Noel Noel, bart.
Sir Gilbert Heathcote, bart.

Rye.
Thos. Gibbon Moneypenny.
St. Alban's.
Hon. E. H. Grimston,
George Alfred Muskett.
St. Ives.
James Halse.
Salford.
Joseph Brotherton.
Salisbury.
William Bird Brodie,
Wadham Wyndham.
Salop, or Shropshire.
(*Northern Division.*)
Sir Rowland Hill, bart.
W. O. Gore.
(*Southern Division.*)
Hon. Robert H. Clive,
Rt. hon. Henry (Vane) Earl of Darlington.
Sandwich.
Sir Edw. T. Troubridge, bt.
Sir James Rivett Carnac, bt.
Scarborough.
Col. Sir F. Trench,
Sir T. Charles Style, bt.
Shaftesbury.
John Sayer Poulter.
Sheffield.
John Parker,
Henry George Ward.
New Shoreham.
Sir Chas. Merrick Burrell,
Harry Dent Goring.
Shrewsbury.
Richard Jenkins,
Robert Aglionby Slaney.
Somersetshire.
(*Eastern Division.*)
William Gore Langton,
W. Miles.
(*Western Division.*)
Edward A. Sanford,
Thomas Dyke Acland.
Southampton.
A. R. Dottin,
A. (Duncan) visct. Duncan.
Southwark.
John Humphery,
D. W. Harvey.
South Shields.
Robert Ingham.
Staffordshire.
(*Northern Division.*)
Edward Buller,
Hn. W. Bingham Baring.
(*Southern Division.*)
Rt. hon. H. J. Chetwynd (Talbot) visc. Ingestrie,
Hon. George Anson.
Stafford.
Wm. Fawkener Chetwynd,
Robert Farrand.
Stamford.
Thomas Chaplin,
Rt. hon. C. Cecil J. (Manners) Marq. of Granby.
Stockport.
Thomas Marsland,
Henry Marsland.
Stoke-upon-Trent.
John Davenport,
W. Taylor Copeland.
Stroud.
Rt. hn. Lord John Russell,
G. P. Scrope.
Sudbury.
Sir Edward Barnes,
Sir J. John Hamilton, bt.
Suffolk.
(*Western Division.*)
Robert Rushbroke,
Hart Logan.
(*Eastern Division.*)
Rt. hn. J. (Henniker Major) Lord Henniker of Ireland,
Sir C. B. Vere.
Sunderland.
William Thompson,
Andrew White.
Surrey.
(*Eastern Division.*)
Richard Alsager,
Henry Kemble.
(*Western Division.*)
Wm. Joseph Denison,
Hn. George J. Perceval.
Sussex.
(*Eastern Division.*)
Hon. Chas. C. Cavendish,
George Darby.
(*Western Division.*)
Lord John G. Lennox,
Rt. hon. H. C. (Howard) Earl of Surrey.
Swansey.
John Henry Vivian.
Tamworth.
Rt. hon. Sir Robert Peel, bart. D.C.L.,
Edward Henry A'Court.
Tavistock.
Rt. hon. W. (Russell) Lord Russell,
J. Rundle.
Taunton.
Henry Labouchere,
Edward Thos. Bainbridge.
Tewkesbury.
W. Dowdeswell,
John Martin.
Thetford.
Rt. hon. Henry (Fitzroy) Earl of Euston,
Hon. Francis Baring.
Thirsk.
Samuel Crompton.
Tiverton.
John Heathcote,
Rt. hon. H. John (Temple) Viscount Palmerston.
Totness.
Rt. hon. E. Adolphus (Seymour) Lord Seymour,
Jasper Parrot.
Tower Hamlets.
William Clay,
Stephen Lushington.
Truro.
John Ennis Vivian,
Edmund Turner,
Tynemouth.
George Frederick Young.
Wakefield.
Hn. W. Sebright Lascelles.
Wallingford.
William S. Blackstone.
Walsall.
Francis Finch.
Wareham.
John Hales Calcraft.
Warrington.
John Ireland Blackburn.
Warwickshire.
(*Northern Division.*)
Sir J. Eardley Wilmot, bt.
W. Stratford Dugdale.
(*Southern Division.*)
Sir J. Mordaunt, bt.
Evelyn John Shirley.
Warwick.
Sir C. E. Douglas, kt.
William Collins.
Wells.
Richard Blakemore,
Wm. Goodenough Hayter.
Wenlock.
Hon. G. C. W. Forester,
James Milnes Gaskell.
Westbury.
John Ivatt Briscoe.
Westminster.
De Lacy Evans,
John Temple Leader.
Westmoreland.
Rt. hon. William (Lowther) Viscount Lowther,

Hon. Henry Cecil Lowther.

Weymouth and Melcombe Regis.

Hon. Geo. A. F. (Villiers) Viscount Villiers,
George William Hope.

Whitby.

Aaron Chapman.

Whitehaven.

Matthias Attwood.

Wigan.

Richard Potter,
Charles Standish.

Isle of Wight.

Hon. William Henry Ashe A'Court Holmes.

Wilton.

Edward Baker.

Wiltshire.

(*Northern Division.*)

Walter Long,
Sir Francis Burdett, bart.

(*Southern Division.*)

John Benett,
Hon. Sidney Herbert.

Winchester.

Paulett St. John Mildmay,
James Buller East

Windsor.

John Ramsbottom,
Robert Gordon.

Woodstock.

Henry Peyton.

Wolverhampton.

Thomas Thorneley,
C. Villiers.

Worcestershire.

(*Eastern Division.*)

Horace St. Paul,
John Barneby.

(*Western Division.*)

Hon. Henry B. Lygon,
H. J. Winnington.

Worcester.

Thomas Henry H. Davies,
J. Bailey.

Chipping-Wycombe.

Hon. Robert John Smith,
George Henry Dashwood.

Yarmouth.

Charles Edward Rumbold,
William Wilshere.

Yorkshire.

(*North Riding.*)

Hon. Wm. Duncombe,
Edward S. Cayley.

(*East Riding.*)

Richard Bethell,
Henry Broadley.

(*West Riding.*)

Rt. hn. G. W. F. (Howard) Viscount Morpeth,
Sir G. Strickland, bt.

York.

J. H. Lowther,
Hon. J. C. Dundas.

SCOTLAND.

Aberdeenshire.

Hon. Wm. Gordon.

Aberdeen.

Alexander Bannerman.

Argyleshire.

W. Campbell.

Ayrshire.

John Dunlop.

Ayr, &c.

Rt. hon. Lord P. J. Herbert Crichton Stuart.

Banfshire.

James Duff.

Berwickshire.

Sir H. P. H. Campbell, bt.

Buteshire.

Sir William Rae, bt.

Caithness-shire.

Sir George Sinclair.

Clackmanan and Kinros-shires.

Sir Charles Adam.

Cupar, &c.

Edward Ellice, jun.

Dumbartonshire.

Sir James Colquhoun, bt.

Dumfries-shire.

John James H. Johnstone.

Dumfries, &c.

Matthew Sharpe.

Dundee.

Rt. hon. Sir H. Parnell, bt.

Dysart, &c.

Robert Ferguson.

Edinburghshire.

Wm. Gibson Craig, jun.

Edinburgh.

Sir John Campbell, knt.
Rt. hon. Jas. Abercromby.

Elginshire.

Hon. Francis W. Grant.

Elgin, &c.

Sir Andrew Leith Hay.

Fifeshire.

James E. Wemyss.

Forfarshire.

Hon. D. G. Hallyburton.

Glasgow.

John Dennistoun,
Rt. hon. Lord W. Henry Cavendish Bentinck.

Greenock.

Robert Wallace.

Haddingtonshire.

Rt. hon. J. A. (Ramsay,) Lord Ramsay.

Haddington, &c.

Robert Stewart.

Inverbervie, &c.

Patrick Chalmers.

Inverness-shire.

Alexander Wm. Chisholm.

Inverness.

Roderick Macleod, jun.

Kincardineshire.

Hon. Hugh Arbuthnot.

Kirkcudbright.

Rt. hon. R. C. Fergusson.

Kirkwall, &c.

James Loch.

Lanarkshire.

A. Macdonald Lockhart.

Leith, &c.

Rt. hon. J. A. Murray.

Linlithgowshire.

Hon. James Hope.

Linlithgow.

W. D. Gillon.

Orkney and Shetland Shires.

Frederick Dundas.

Paisley.

Archibald Hastie.

Peebleshire.

William Forbes Mackenzie.

Perthshire.

Rt. hon. W. D. (Murray,) Viscount Stormont.

Perth.

Hn. Arthur Fitz. Kinnaird.

Renfrewshire.

George Houssoun, jun.

Renfrew, &c.

John Campbell Colquhoun.

Ross and Cromarty-shires.

Thomas Mackenzie.

Roxburghshire.

Hn. John Edmund Elliott.

Selkirkshire.

A. Pringle.

Stirlingshire.

William Forbes.

Stirling, &c.

Hn. Archibald (Primrose) Lord Dalmeny.

SUTHERLANDSHIRE.
Hon. William Howard.

WIGTONSHIRE.
James Blair.

WIGTON, &c.
J. M'Taggart.

IRELAND.

ANTRIMSHIRE.
Hon. J. B. O'Neil,
John Irving.

ARMAGHSHIRE.
Rt. hon. A. (Acheson) Viscount Acheson.
Wm. Verner,

ARMAGH *Borough.*
William Currey.

ATHLONE.
John O'Connell.

BANDON-BRIDGE.
J. D. Jackson.

BELFAST.
Rt. hon. G. Hamilton (Chichester) Earl of Belfast,
James Gibson.

CARLOWSHIRE.
Nicholas Aylward Vigors,
John Ashton Yates.

CARLOW.
William Henry Maule.

CARRICKFERGUS.
P. Kirke.

CASHELL.
Serjeant Stephen Woulfe.

CAVANSHIRE.
Henry Maxwell,
John Young.

CLARE.
Wm. Nugent M'Namara,
Cornelius O'Brien.

CLONMEL.
Nicholas Ball.

COLERAINE.
Edward Litton.

CORKSHIRE.
G. S. Barry.
Edmond Burke Roche.

CORK CITY.
Daniel Callaghan,
Francis Bernard Beamish.

DONEGALSHIRE.
Sir Edmund S. Hayes, bt.
E. M. Conolly, esq. D.C.L.

DOWNSHIRE.
Rt. Hn. A. Wills Blundell Sandys Trumbull Windsor (Hill) Earl of Hillsborough.
Rt. hon. Fred. (Stewart) Viscount Castlereagh.

DOWNPATRICK.
D. Kerr.

DROGHEDA.
Sir William Meredyth Somerville, bart.

DUBLINSHIRE.
George Evans,
William Chambre (Brabazon) Lord Brabazon.

DUBLIN CITY.
Daniel O'Connell,
Robert Hutton.

DUBLIN UNIVERSITY.
Rt. hn. T. Lefroy, D.C.L.
Frederick Shaw.

DUNDALK.
Thos. Nicholas Redington.

DUNGANNON.
Thomas (Knox) Viscount Northland.

DUNGARVAN.
Hon. Cornelius O'Callagan.

ENNIS.
Hewitt Bridgman.

ENNISKILLEN.
Hon. Arthur Henry Cole.

FERMANAGHSHIRE.
Mervyn Archdall,
Rt. hon. Wm. Willoughby (Cole) Viscount Cole.

GALWAYSHIRE.
Thomas B. Martin,
J. J. Bodkin.

GALWAY.
A. H. Lynch,
Martin Joseph Blake.

KERRY.
Morgan John O'Connell,
Arthur Blennerhassett.

KILDARE.
Richard More O'Ferrall,
Robert Archbold.

KILKENNYSHIRE.
Hon. Pierce Butler,
George Bryan.

KILKENNY *Borough.*
Joseph Hume.

KING'S *County.*
Nicholas Fitzsimon.
Hn. J. Craven Westenra.

KINSALE.
Pierce Mahony.

LEITRIM.
Samuel White,
Rt. hon. Robert (Birmingham Clements) Viscount Clements.

LIMERICKSHIRE.
Hn. R. Hobart Fitzgibbon,
William Smith O'Brien.

LIMERICK.
William Roche,
David Roche.

LISBURN.
Henry Meynell.

LONDONDERRYSHIRE.
Sir Robert Bateson, bart.
Theobald Jones.

LONDONDERRY
Sir R. A. Ferguson, bart.

LONGFORD.
Luke White,
Henry White.

LOUTH.
R. Montesquieu Bellew,
Henry Chester.

MALLOW.
Charles Denham Orlando Jephson.

MAYO.
Robert Dillon Browne,
Sir Wm. John Brabazon.

MEATH.
Henry Grattan,
Morgan O'Connell.

MONAGHAN.
Hn. H. Robt. Westenra,
Edward Lucas.

NEWRY.
John Ellis.

PORTARLINGTON.
Hon. George Lionel Dawson Damer.

QUEEN'S *County.*
Sir Chas. Henry Coote, bt.
John Wilson Fitzpatrick.

ROSSCOMMON.
Dennis O'Connor,
Fitzstephen French.

NEW ROSS.
John Hyacinth Talbot.

SLIGOSHIRE.
Edward Joshua Cooper,
Alexander Perceval, D.C.L.

SLIGO.
John Patrick Somers.

TIPPERARY.
Richard Lalor Sheil.
Robert Otway Cave.

TRALEE.
John Bateman.

TYRONE.
Rt. hn. Henry Thos. Lowry Corry
James Dupree (Alexander) Viscount Alexander.

WATERFORDSHIRE.
William Villiers Stuart,
John Power.

WATERFORD.
Henry Winston.
Thomas Wyse.

WESTMEATH.
Mont. Lowther Chapman,
Sir Richard Nagle, bart.

WEXFORDSHIRE.
John Maher.
James Power.

WEXFORD.
Charles Arthur Walker.

WICKLOW.
James Grattan,
Ralph Howard.-

YOUGHALL.
Frederick John Howard.

HANSARD'S

Parliamentary Debates

During the FIRST SESSION *of the* THIRTEENTH PARLIAMENT *of the United Kingdom of* GREAT BRITAIN *and* IRELAND, *appointed to meet at Westminster*, 15*th November*, 1837,
in the First Year of the Reign of Her Majesty

QUEEN VICTORIA.

First Volume of the Session.

HOUSE OF LORDS,

Wednesday, November 15, 1837.

OPENING OF PARLIAMENT.] The first Parliament of Her Majesty, Queen Victoria, assembled to-day, pursuant to the proclamation, for the dispatch of business.

The *Lord Chancellor*, on entering the House, said, My Lords, Her Majesty not thinking fit to be present here this day in her royal person, has been pleased to cause a Commission to be issued under the Great Seal for the opening and holding of this Parliament.

The Lord Chancellor, the Marquess of Lansdowne, the Marquess Conyngham, the Earl of Mulgrave and Viscount Duncannon, then took their seats in front of the Throne as Her Majesty's Commissioners.

Sir A. Clifford (the Gentleman Usher of the Black Rod) was directed by the Lord Chancellor to summon the Commons.

The Members of the House of Commons having been summoned in the usual form, a considerable number of them with Mr. Ley, the chief clerk, at their head, appeared at the Bar.

The Royal Commission having been read in the usual form,

The *Lord Chancellor* said, My Lords and Gentlemen, we have it in command from her Majesty to let you know, that her Majesty will, as soon as the Members of both Houses shall be sworn, declare to you the causes of her calling this Parliament; and it being necessary that a Speaker of the House of Commons should be first chosen, it is her Majesty's pleasure, that you, Gentlemen of the House of Commons, repair to the place where you are to sit, and there proceed to the choice of some proper person to be your Speaker; and that you present such person whom you may so choose here to-morrow, at two-o'clock, for her Majesty's royal approbation.

The Commons withdrew.

The Lord Chancellor first took the oaths at the table by himself, and then a great many Peers took the usual oaths.

HOUSE OF COMMONS,

Wednesday, November 15, 1837.

OPENING OF PARLIAMENT.—CHOICE OF A SPEAKER.] A considerable number of Members attended at the House before two o'clock. At half past two, the attendance of the Commons in the House of Lords, to hear the royal Commission read for the opening of Parliament, was commanded.

Mr. Ley the clerk of the House, accompanied by a considerable number of Members, immediately proceeded to the House of Lords, and after hearing the Commission read, returned to the House. Mr. Ley the chief clerk, took his seat at the head of the table.

Mr. *Shaw Lefevre* rose and said: In obedience to her Majesty's commands, they were now assembled for the discharge of one of the most important duties that devolved on the Representatives of the people; and if at any former period the election of Speaker had been considered a question involving great and serious responsibility, on which not only the character of the House, but the success of its deliberations, must, in a great measure, depend, the present was not an occasion when that responsibility was in the least degree diminished, or when the exercise of that important function of the House of Commons created less interest in the minds of the people. If they valued the ancient privileges of that House, which had always and justly been considered among the best securities of the liberties of the people, they could not be indifferent to the choice of that individual who must be the organ, by whom those privileges were to be vindicated and maintained; and the more those privileges were threatened with encroachment, the more it became their duty to confide them to the guardianship of one on whose ability, firmness, and discretion, they could place the most implicit reliance. But with regard to the more immediate and practical duties of the Speaker, he could not conceal from himself that in the present situation of public affairs his position must be one of peculiar difficulty. Looking to the measures which were likely to come under consideration, looking to the relative strength of parties, and the unfortunately excited state of political and party feeling, aggravated undoubtedly by the recent election contests, he believed that at no former period was it more necessary that the person whom they selected to preside over their deliberations should be an individual of sound judgment, of equable temper—who should know how to interfere at the proper time and in the proper manner, to prevent those irrelevant discussions, and check those intemperate expressions that in the moment of warmth occasionally might arise, and always more or less impeded that real freedom of debate which alone rendered their deliberations either useful or profitable to the country. But there were other considerations which ought to influence their choice under existing circumstances. It would be recollected that during the last Session the attention of Parliament was directed to the inconvenience arising from the delays and interruptions constantly interposed during the progress of the public business, and the still less satisfactory state of what technically was termed the private business of the House. The subject was referred to a Select Committee, which recommended the adoption of certain rules with regard to the public business, but were unable to proceed to the full extent of their inquiry in consequence of the abrupt termination of the Session. He, for one, earnestly hoped that inquiry would be resumed at the earliest possible moment in the present Session, because it was his firm belief, that the character of the House had suffered much in public estimation in consequence of the mode in which the private business was transacted. Within the last few years private Bills had increased to a very great extent, and they presented a most satisfactory index of the increasing wealth and enterprise of the community. But when they considered the immense magnitude of these interests which were affected by their decisions on those Bills, and on their numerous and complicated provisions, and when they bore in mind that the prevailing opinion out of doors was, that those decisions were not founded on strict and impartial justice, they would ill discharge their duties to the country, if they hesitated for one moment to rescue the House of Commons from so serious an imputation, or delayed to subject to the strictest and most patient inquiry a system which had occasioned such frequent and, he feared, just animadversions. But, whatever course it might be thought expedient to pursue, whether the House would agree to the suggestions contained in the Report of the Committee to which he had alluded, or whether it should be found necessary to make other regulations for the improved transaction both of public and private business, it was obvious that any change of that description would impose new duties on the Speaker, in the exercise of which, extensive acquaintance with the usages of Parliament, much caution, and unceasing vigilance would be required. He might allude also to an experiment which was tried in the early part of last Session, and which he regarded as the first step towards reform in this Branch of Legislation—he meant the appointment of a Select Committee on Private Bills, which he believed gave general satisfaction; but as chairman of that Committee he was bound to state, that during the progress of its labours a great number of difficulties occurred which rendered it necessary to apply for the advice and assistance of the highest authority in the House; and it was to the courtesy, kindness, promptitude, and ability, with which that advice and assistance had always been afforded, that the success of that experience was mainly to be attributed. He was so deeply impressed with the arduous nature of the duties inseparable from the office of Speaker, that on the present occasion were he about to move the election of an individual yet untried, he should have wished that such a proposition had been made by some Member of greater talents and experience than himself, and who had stronger claims on the attention of the House than he could presume to boast of, and whose recommendation would come with proportionably greater weight. But when it became his duty to propose that the same right hon. and learned Gentleman who so ably presided over the deliberations of the last Parliament should again take the chair, he felt convinced that the House would not need any apology from him. The high character, the acknowledged talent, and peculiar aptitude for that laborious and distinguished office, which had been so eminently displayed by his right hon. and learned Friend, were amply sufficient to acquit him of any presumption in bringing the name of Mr. Abercromby before them on the present occasion. He was restrained by the presence of his right hon. and learned Friend from speaking in terms more in unison with his own feelings, of his high character, and the value of his public services. He would rather appeal to those Members of the last Parliament, and who could not forget the dignity, urbanity, and above all, the perfect impartiality which had distinguished every act of his official life—he would appeal to them, whether the conduct of the right hon. and learned Gentleman, as the protector of their privileges, as the moderator of their debates, and the watchful guardian of those rules and orders by which their proceedings were regulated, had not been such as to secure for him the respect and approbation for all parties in the House. He was satisfied he was not giving way to any feeling of mere personal regard, when he confidently predicted, that in the various qualities essential for the office of Speaker, and in the faithful and conscientious discharge of its important duties, his right hon. and learned Friend would not fall short of any of that long line of distinguished persons whom that House of Commons had successively placed in the chair. Upon these considerations, he had peculiar pleasure in moving, that the right hon. James Abercromby do take the chair.

Mr. *Strutt* said, that in rising to second the motion made by his hon. Friend, the Member for Hampshire, he was well aware that any Member who ventured to second the nomination of another to fill the high and important office of Speaker, took upon himself a serious responsibility. Any person acquainted with the history of this country, or who had paid any attention to the course of events in France during the last half century, could have no doubt that the most important results might arise from the rules which regulated the proceedings of an assembly like the present, and from the manner in which those rules were enforced by the chair. If, therefore, he felt no doubt or hesitation in rising to second the motion then before the House, it was not because he was disposed to undervalue either the importance or the responsibility of the office of their Speaker, but because he felt convinced, that they could not find in the House any Member qualified to perform its arduous duties with more honour to himself, and with more advantage to the country, than his right hon. Friend, the Member for Edinburgh. During the last three years, the House had had experience of the manner in which those duties had been performed by his right hon. Friend, and any person who had watched the course which his right hon. Friend had pursued during that period, must have observed that the qualities of his mind admirably fitted him for the adequate discharge of those duties. His high integrity—his inflexible impartiality—his devoted attention to the business of the House—his easiness of access and affability to all persons who wished to consult him on the course of their proceedings—his strong good sense and discrimination, joined to his knowledge of the law, and the practice which regulated those proceedings—his proved determination to support the just rights and privileges of that House—these were all qualities for which his right hon. Friend, the Member for Edinburgh, was eminent, and he therefore thought that the House was most fortunate in having them all combined to such a degree in the person of one individual. He had no occasion to remind the House that the period when his right hon. Friend first entered upon his duties was one of peculiar difficulty, a time of great political excitement, and his right hon. Friend was elected only by a narrow majority, yet he was not speaking the language of mere compliment, but of strict truth, when he said, that his right hon. Friend's conduct in the chair had been such as to secure for him not only the confidence and respect of those Members who then supported him, but also to gain for him the support of the great majority of the Members who had opposed his election. There was only one other topic on which he should speak, and on that he should only say a few words, as his hon. Friend who preceded him, and who was much better qualified to speak upon it than he was, had mentioned it in his speech—he alluded to the improvements which the late Speaker had introduced into the mode of transacting the private business of the House. It was universally admitted, both within doors and without, that there were great objections to that part of the present system of the proceedings of the House. It would have been perfectly competent for the late Speaker to have allowed matters to go on in their ordinary routine, without any interference on his part—still more, without any attempt to improve that routine himself, and without giving any encouragement to the schemes of improvement suggested by others. By such a course he would have avoided much personal labour and responsibility. But his right hon. Friend had pursued a different course, a course far more honourable to himself, and far more advantageous to the country. His right hon. Friend had already effected great improvement in the mode of conducting the business of the House, and if the House should again place his right hon. Friend in the chair, he was certain that his right hon. Friend would proceed still further in the same career of wise and progressive reform which had already given so much satisfaction to the House, and had conduced so much to the advantage of the public. He would not trespass further on the attention of the House, but would conclude by seconding the motion of his hon. Friend, being fully convinced that the success of that motion would conduce to the order and dignity of the House, to the advancement of public business, and to the maintenance of its just rights and privileges.

Sir *Robert Peel* rose for the mere purpose of stating, that he did not feel called upon to give any opposition to the proposal which had been just made and seconded by the hon. Members opposite. He conceived that it would be very difficult to lay down any rule with respect to the principle which ought to influence a Member opposed to the Government, or a party opposed to the Government, either in acquiescence in, or in opposition to, a proposal of this nature. It would be very difficult, he repeated, to lay down any rule, either of universal, or of general application, to such a case. Much must depend upon the circumstances of the time, much on the weight of competing claims, much on considerations of a personal, a temporary, and even a special nature. Considering, then, the special circumstances of the House at present—considering, that in the event of a contest, a majority—a small majority, but still a majority—would decide in favour of the re-election of the right hon. Member for Edinburgh to the chair—coupling also with that consideration, the personal respect which he had felt for that right hon. Gentleman, even when he was a candidate for the chair against his noble Friend, Lord Canterbury, and which he still continued to feel for him, he was led to acquiesce in the present proposition, and in that acquiescence the party with which he acted fully concurred. The special attention of the House had been called to one consideration, to which all persons appeared to attribute great importance—he meant the necessity of perfecting some plan for conducting the private business of the House which would give greater satisfaction than the present to the public; and if it were true, as he had no doubt it was, that the right hon. Gentleman had paid special attention to the perfecting such a plan—if, as he had himself witnessed, the right hon. Gentleman were accessible to all who consulted him on the best mode of proceeding with the business of the House, public as well as private—if the right hon. Gentleman had for some time past directed his meditations to a plan which would insure, not only more regular attention to private business, but also the greater confidence of the country in the decisions of the House on matters relating to the private and pecuniary interests of many members of the community, that circumstance alone would render him unwilling to part with the services of an individual who had so peculiarly devoted himself to so difficult an inquiry. He abstained, he purposely abstained, from all reference to the circumstances of the contest for the Speakership which took place at the commencement of the Session of 1835. Considering the present circumstances of the House, and combining that consideration with the other considerations to which he had already referred, he had no hesitation in declaring that he willingly assented to the proposition of the hon. Member for Hampshire: and he then expressed on his own part, and on the part of those with whom he was in the habit of acting, an opinion that the reappointment of the right hon. Gentleman to the chair would conduce to the credit and character of the House, and would increase the confidence of the country in its decisions.

Mr. *Abercromby* was conscious that he owed the recommendations of the two hon. Friends who had proposed him as a fit person to fill the chair of that House to their kindness, rather than to any services which he had rendered the House during the three Sessions in which he had had the honour to preside over its deliberations. If he reverted at all to the peculiar circumstances in which he had the honour of being originally placed in the chair, it would only be for the purpose of willingly and gratefully acknowledging the prompt and cordial support which, with scarcely one exception, he had received from all parties after he had taken his seat. By that prompt and cordial support he had been sustained under the pressure of the many embarrassments which were almost inseparable from the situation in which he was placed. In reply to the observations which had been made by his two hon. Friends on one particular subject, to which the right hon. Member for Tamworth had also referred, he had only to remark, that he was happy that those observations had been made, as they relieved him from the necessity of saying more than a few words upon it. He certainly concurred with his hon. Friends in thinking, that under the circumstances in which the House was then placed, a more important and serious duty could not devolve upon it than that of placing its character in a fair and becoming light before the public, by endeavouring to secure to that portion of the people whose private rights and pecuniary interests were submitted to its consideration a just and impartial decision. It was with reference to the state of the business of that House, both public and private, which all parties in the House declared to be anything but satisfactory, that an investigation was instituted at the close of the last Session of Parliament. As those inquiries were not then brought to a termination, he concluded that the House would proceed to revive the Committee, but as they involved questions to which the attention of the Speaker ought to be and must be assiduously devoted, it must be obvious that in the event of any alterations being suggested in the old practice, by the establishment of new rules, or in the event of a new and different practice being introduced under the old rules, the success of such efforts must be influenced by the existence of a proper understanding between the Speaker and the House, and by the existence of a firm reliance on the steady support of the House on the part of the Speaker. In conclusion, he sincerely assured the House, while he prized the possession of its good opinion and its confidence as of the highest value, there was nothing which he should more deprecate and dread than to be placed in the chair with any feeling of distrust on his mind that he could not rely upon the steady support of the whole House. Having stated this to be his own feeling, he cheerfully submitted to the decision of the House.

Mr. S. Lefevre and Mr. Strutt conducted Mr. Abercromby to the chair, amidst cheers from both sides of the House.

The *Speaker:*—"Gentlemen, to be placed in this chair, under any circumstances, must be deemed by any commoner a high and distinguished honour—to be replaced in it, after filling it for three years, and that, too, by an unanimous vote of the House, is an honour which I shall ever cherish and esteem as the proudest of my life. The only expression of gratitude which I have to make to you is this:—that I resume my place in this chair most firmly and zealously desirous to do all in my power to merit the future confidence of the House."

Lord *John Russell*, in moving that the House do now adjourn, begged to congratulate the Speaker on being again elected, and that by an unanimous vote of the House, to fill his high office. There might be some persons, who, considering only the number of precedents by which the proceedings of that House were formed, and the rules and regulations which in the course of centuries had been framed for the government of its proceedings, conceived the duty of the Speaker to be not attended with much difficulty. But such persons, did not, in his opinion, take a just and fitting view of the Speaker's duties. The varying state of parties, the new aspect of political questions, the animating subjects of the discussions interposed difficulties which it was impossible for any foresight to provide for; but, beyond all this, the subject to which his hon. Friend, the Member for Hampshire, had alluded—namely, the state of the private business before the House, the increased number of transactions which in this great and opulent commercial country, were brought under the consideration of Parliament and the complaints which were made from time to time of the manner in which that business was transacted, all called upon the Speaker to exercise great discretion, and to give the House the benefit of his experience, and to assist its deliberations by his advice in all questions of difficulty which required investigation and judgment. I feel confident, Sir, continued the noble Lord, addressing the Speaker, that your re-election and that, too, as I confidently anticipated, without opposition, will tend very much to the settlement of all those questions, and to an improvement in the manner of conducting that portion of the business of the House; and if you are enabled thus to serve the public, you may congratulate yourself, that whilst this House has conferred on you the high honour of presiding over its deliberations, you, by bringing to perfection those regulations to which I have referred, will have an opportunity of making this House more useful and more endeared to the country at large, and that you will thus return to this House, in increased character and augmented estimation, the honour which it has this day conferred upon you, and upon which I, with the utmost sincerity and cordiality, once more beg leave to offer you my congratulations. I move that this House do now adjourn.—House adjourned.

HOUSE OF LORDS AND COMMONS,

From Thursday November 16, *to Saturday November* 18.

On Thursday, the consent of her Majesty to the choice of Mr. Abercromby as Speaker, was signified with the usual formalities; and he, on the part of the Commons, made the usual claim for all their ancient and undoubted rights and privileges, which were most graciously accorded: while her Majesty declared by the Lords' Commissioners, that she would put the most favourable construction on Mr. Speaker's words and actions. The Speaker, who attended the bar of the House to receive the confirmation, afterwards communicated the same to the House of Commons. From that time till Monday, November 20, the two Houses did no other business than swear in the Members.

HOUSE OF LORDS,

Monday, November 20, 1837.

THE QUEEN'S SPEECH.] Her Majesty proceeded in state to the House of Peers, and in her progress was enthusiastically cheered by a great multitude of persons who lined the streets. At two o'clock her Majesty entered the House, preceded by the heralds and officers of state, accompanied by the Duchess of Kent, and attended by the Duchess of Sutherland, mistress of the robes, and

Lady Barham, lady in waiting, the Master of the Horse, the Treasurer, and other members of her household. When her Majesty took her seat on the throne, she was supported on the right by the Earl of Shaftesbury, holding the cap of maintenance, the Lord Chancellor, Earl Marshal (the Duke of Norfolk), and the Duke of Somerset, bearing the crown upon a cushion; and on the left by Lord Melbourne, holding the sword of state, the lady in waiting, and the members of the household. Behind the throne stood the Duchess of Kent, and the Mistress of the Robes, and at the foot, the Dukes of Sussex and Cambridge.

Her Majesty desired the Lords to be seated, and the Commons having come to the bar, headed by the Speaker, her Majesty took and subscribed the usual declaration, repeating every sentence after the Lord Chancellor, and then delivered the following Speech:—

"MY LORDS AND GENTLEMEN,

"I have thought it right to assemble you for the transaction of public business at the earliest convenient period after the dissolution of the late Parliament.

"It is with great satisfaction that I have received from all foreign powers the strongest assurances of their friendly disposition, and of their earnest desire to cultivate and maintain with me the relations of amity; and I rejoice in the prospect that I shall be able to promote the best interests of my subjects by securing to them the advantages of peace.

"I lament that civil war still afflicts the kingdom of Spain. I continue to exercise with fidelity the engagements of my crown with the Queen of Spain, according to the stipulations of the treaty of quadruple alliance.

"I have directed a treaty of commerce which I have concluded with the united republic of Peru and Bolivia to be laid before you, and I hope soon to be able to communicate to you similar results of my negotiations with other powers.

"I recommend to your serious consideration the state of the province of Lower Canada.

"GENTLEMEN OF THE HOUSE OF COMMONS,

"The demise of the Crown renders it necessary that a new provision should be made for the civil list. I place unreservedly at your disposal those hereditary revenues which were transferred to the public by my immediate predecessor, and I have commanded that such papers as may be necessary for the full examination of this subject shall be prepared and laid before you. Desirous that the expenditure in this, as in every other department of the Government, should be kept within due limits, I feel confident that you will gladly make adequate provision for the support of the honour and dignity of the Crown..

"The estimates for the services of next year are in course of preparation, and will be laid before you at the accustomed period. I have directed that the utmost economy should be enforced in every branch of the public expenditure.

"MY LORDS AND GENTLEMEN,

"The external peace, and domestic tranquillity which at present happily prevail, are very favourable for the consideration of such measures of reformation and amendment as may be necessary or expedient, and your attention will naturally be directed to that course of legislation which was interrupted by the necessary dissolution of the last Parliament.

"The result of the inquiries which have been made into the condition of the poor in Ireland, has been already laid before Parliament, and it will be your duty to consult whether it may not be safe and wise to establish by law some well-regulated means of relief for the destitute in that country.

"The municipal government of the cities and towns in Ireland calls for better regulation.

"The laws which govern the collection of the tithe composition in Ireland require revision and amendment.

"Convinced that the better and more

effectual administration of justice is amongst the first duties of a Sovereign, I request your attention to those measures which will be submitted to you for the improvement of the law.

"You cannot but be sensible of the deep importance of these questions which I have submitted to you, and of the necessity of treating them in that spirit of impartiality and justice which affords the best hope of bringing them to a happy and useful termination. In meeting this Parliament, the first that has been elected under my authority, I am anxious to declare my confidence in your loyalty and wisdom. The early age at which I am called to the sovereignty of this kingdom renders it a more imperative duty, that under Divine Providence, I should place my reliance upon your cordial co-operation, and upon the love and affection of all my people."

Her Majesty then left the House attended as before.

ADDRESS—ANSWER TO THE SPEECH.] The *Lord Chancellor* read her Majesty's Speech, and the same having been again read by the clerk at the table,

The Duke of *Sussex* rose and said: My Lords, did I not feel satisfied that the sentiments contained in the Speech delivered from the throne this day, as well as the language employed in communicating them to you, were of a nature to preclude the necessity—I would almost say the possibility—of discussion, and were I not equally certain that the correspondent answer to that Speech which I shall have the honour to propose to your Lordships for your consideration and approval, is one in which you may safely concur without compromising any of your opinions as to the manner of carrying into effect the objects alluded to therein, I should feel great hesitation in presenting myself to your notice. My Lords, we can have but one object, and but one feeling—that of assuring our Sovereign of our loyalty and attachment to her person, of our readiness to meet her wishes, and give effect to her benign intentions, by devoting our most serious attention and consideration to discussing those measures which are most calculated to promote the best interest of the country, and the welfare and happiness of our fellow-subjects. Time and circumstances, my Lords, often give an additional consequence to events which of themselves are already of considerable importance; such I conceive to be the case at the present moment. The annual opening of a Session of Parliament is always an object of great interest, when considered as one of the constitutional modes by which the Sovereign comes into immediate communication with the other two branches of the legislature; and it receives additional importance when one reflects upon the consequences which may result from our deliberations, involving the consideration of measures in which the welfare of the people, as well as private interests, are most deeply concerned. If such be the case in the common march of human events, how greatly is that importance increased by a new Parliament being called together, whether it be occasioned by the usual progress of its course towards a termination, or, from ministerial changes, when the Sovereign wishes to ascertain the free opinion of the nation, and more particularly so when the necessity of the measure is in consequence of the demise of the Crown; the law of the country being imperative, that upon the decease of the Sovereign a new Parliament shall be summoned after the expiration of six months at the latest. This, then, is the position in which we are placed at this juncture, and when we advert to the age of our youthful Queen, ascending the Throne of her ancestors by the right which the constitution has given, at the expiration of one month only after the period fixed by the statutes for considering the Sovereign of age and capable of assuming the reins of government, I cannot but hope that your Lordships will agree with me in the propriety and the duty imposed upon us of availing ourselves of the opportunity afforded by her Majesty's speech on opening the Parliament to approach her Majesty with the assurances of our devotion to her person and of our determination, by our counsel and advice, to give that support to the Crown which will enable it to maintain the rights and liberties of the people, as well as its own dignity. To our support her Majesty has already appealed, in her gracious declaration, when, appearing before her Privy Council for the first time, she said "That she placed her firm reliance upon the wisdom of Parliament, and upon the affections and loyalty of her people :" which sentiments she repeated on the prorogation of her Parliament in the month of July last, and all your Lordships have heard them repeated this day, sanctioned, too, as I shall never cease to remember, by the oath and the sign manual of the Sovereign. This, my Lords, is the first time that we have had an opportunity afforded us of responding to that appeal, likewise of noticing those gracious expressions which were uttered by her Majesty at the close of the last session of Parliament—expressions which never can be effaced either from my heart or mind—"I perceive with satisfaction that you have brought to maturity some useful measures, amongst which I regard with peculiar interest the amendment of the criminal code and the reduction of the number of capital punishments." "I hail this mitigation of the severity of the law as an auspicious commencement of my reign." What kind, what generous, what gracious expressions, uttered with the greatest energy and dignity, calculated to convince every bystander and hearer that those sentiments were in accordance with her own, and emanated from a benevolent, generous, and warm heart, and that, too, on meeting for the first time her Parliament ! From such a circumstance I cannot resist to express my hope and belief that when the chroniclers of this country shall have to record the annals of this reign, which has begun so auspiciously (and I pray God to continue for many, many years), they will not have to write in characters of blood, but have to commemorate the triumph and glorious consequences of peace—the strict observance of the laws of the country—the security of person and property—the diffusion of knowledge —the advancement of arts, manufactures, and science—the general occupation and employment of all classes of society, and the extension of commerce over the whole surface of the globe. My Lords, it must afford your Lordships great pleasure to have learned by the speech from the throne the assurance of a continuance of the friendly disposition and earnest desire on the part of all foreign powers to cultivate and maintain with this country the relations of amity, as well as the expression of her Majesty's satisfaction thereon, and her hope to promote the best interests of her subjects by securing to them the blessings of peace. That the civil war still afflicts the kingdom of Spain must be equally a subject of regret to your Lordships as to her Majesty; at the same time your Lordships must feel grateful for the frank communication that her Majesty intends to execute with fidelity the engagements of the Crown with the Queen of Spain, according to the stipulations of the treaty of Quadruple Alliance, as it has been always considered the pride and honour of this nation to observe with fidelity those treaties which ever have been signed betwixt this country and any foreign power. Your Lordships will, no doubt, have derived great pleasure in learning that a treaty of commerce has been concluded between this country and the confederation of Peru and Bolivia ; and the hope that has been afforded us by her Majesty that she will soon be enabled to communicate similar results from negotiations now carrying on with other states. As the paper will be laid before your Lordships, it will then become your duty to discuss the details and decide upon the merits of such treaty ; but I do think that any means which are afforded us of extending and securing our commercial relations in foreign parts must be an object of great interest and satisfaction to your Lordships. The next point recommended to the consideration of your Lordships is the state of the province of Lower Canada. As this is a subject upon which there may exist a variety of opinions, and as my object is to secure unanimity on the present occasion, I shall not venture to enlarge upon the topic, but confine myself merely to the observation, that it is a matter involving very weighty questions, to which no doubt your Lordships will, at a proper time, give all due attention ; but I cannot refrain from remarking a singular occurrence connected with that country, namely, that its annexation to the British crown forms, a paragraph in the first speech delivered by his Majesty King George 3rd, of blessed memory, from the throne, on his accession. His Majesty, in speaking of the reduction of the province of Canada expressed his " satisfaction at the glorious event" and added, " that it was effected almost without effusion of blood, and with that humanity which makes an amiable part of the character of this nation." I trust, therefore, that when the concerns of that province are brought under the consideration of your Lordships' House, that those same feelings, so lauded by that revered monarch, will be the guide of your deliberations. Although the civil list is a subject which more immediately belongs to the other House, still I cannot avoid expressing the gratification I feel at the noble, generous, and disinterested manner in which her Majesty has placed unreservedly at the disposal of Parliament those hereditary revenues which were transferred to the public by her immediate predecessor, and of the confidence she feels that Parliament will make a suitable provision for the support of the honour and the dignity of the Crown. The example, no doubt, was set by the late King, and a more disinterested or kinder Sovereign, or a King who had more at heart to lighten the burdens of his people and secure their liberties did certainly never exist; but yet at the close of his reign that compact ceased, when the Crown might reclaim all its previous revenues. It is therefore highly satisfactory to learn that her Majesty, following the steps of her beloved uncle, has nobly and unreservedly resigned for her life those rights which William 4th was pleased to surrender; and I have no doubt that the confidence which the Queen has reposed in the hearts of a generous people will be responded to by a provision suited to her station, and in accordance with their affections and the reliance they place in her assurance of strict and rigorous economy in every department. Her Majesty, in adverting to the external peace and domestic tranquillity which at present happily prevail, recommends to your Lordships the consideration of such measures of reformation and amendment as may be necessary or expedient. With this view, and under the conviction that the better and more effective administration of justice is amongst the first duties of a Sovereign, her Majesty requests your Lordships' attention to those measures which will be submitted to you for the improvement of the law. As these measures are not specified in the Speech from the Throne, I do not deem it right to occupy your Lordships' time upon the subject, but merely express my delight at the good which we may expect from such a communication, while I admire the constitutional motive which has prompted this suggestion. Your Lordships' attention will also be naturally directed to that course of legislation which was interrupted by the necessary dissolution of the last Parliament; and in so doing, her Majesty particularly refers to the inquiries which have already been made into the condition of the poor in Ireland, and laid before Parliament, and enjoins you to consult whether it may not be safe and wise to establish by law some well-regulated means for the relief of the destitute in that country. Her Majesty further adds, that the municipal government of the cities and towns in Ireland calls for better regulation; and also remarks, that the laws which govern the collection of tithe composition require revision and amendment. All these questions, my Lords, are connected immediately with the concerns of Ireland, and I am aware that in alluding to them I am treading upon dangerous ground, because they may tend to a premature discussion as to the mode of carrying them into effect, although we may all agree in the necessity and importance of their final settlement; but I cannot refrain from making this observation, that in considering those matters your Lordships ought to bear in mind that the interests of that part of the United Empire are deeply connected and identified with our own, that you had already begun to take them into consideration before the dissolution of the last Parliament, and that her Majesty had expressed a hope that though your labours at that time had been interrupted, yet that they would have the beneficial effect of advancing the progress of legislation in a new Parliament. It is therefore in perfect accordance with that opinion that her Majesty has reminded you of these circumstances; and I have no doubt that your Lordships will readily answer to the call, and I think that I may appeal with confidence to the support of the noble Duke opposite (Wellington) who took an opportunity to declare towards the end of the last Parliament his sincere wish and desire to see a conclusion put in Parliament to all those questions. His wish was, that Parliament should not have a contest every year on those questions; and he would only add, that if, in the next Session, he and the noble Viscount should occupy the relative situations which they then did, he should be perfectly ready to concur, on all those subjects, in any reasonable manner in which the noble Viscount might propose. I trust, my

Lords, that in referring to this declaration of the noble Duke, for whom I profess the highest respect as well as gratitude, in common with all your Lordships, for the services which he has rendered his country, that I am not out of order; and I make this appeal to the noble Duke with the greater confidence, as I am aware of his high honour and integrity, and the ardour and activity which he always evinces whenever he takes up a subject, and which he particularly showed on the occasion when the Poor-law Bill of this country occupied the consideration of this House, and the honest and disinterested testimony which he afterwards bore to the sound principles upon which that Bill had been founded, and the good effect which had resulted from its working. I believe, my Lords, that I have now stated to your Lordships all the points contained in the gracious Speech which has been delivered from the Throne. I trust I have done so without hurting or offending any noble individual who has listened to me. My object has been to conciliate and gain the kind feelings of every noble Lord present; as I conceive it to be of the utmost importance that it should go forth to the nation at large that we are unanimous in our loyalty to our Sovereign, that we are most anxious to support the Crown, and to co-operate with her to forward those measures which are best calculated to promote the peace, welfare, and happiness of the nation, and thereby ensure her the affection, gratitude, and confidence of a free and devoted people. Many of your Lordships are but just come up to town, and, therefore, can only have learned by the papers the scene which took place on the 9th of November, when her Majesty condescended to visit the citizens of London. Words cannot express the manner in which the Queen was received by the immense population congregated on that occasion. The loyalty, affection, and respect which were shown towards her Majesty are beyond the power of description, and, therefore, I shall not make the attempt; but this I will say, that the anxiety which appeared, from the highest to the lowest, to mark their attachment to her person, combined with the wish of affording her the least inconvenience, threw a solemnity upon the whole proceeding, and proved how dearly she lives in the hearts of all her subjects. It is this point which I wish particularly to impress upon your Lordships, that you may by your acts manifest your concurrence with, and thereby confirm, those warm affections which so happily exist at the present moment in the breast of every true Briton, to the glory and honour of our youthful and gracious Queen. I have now only cordially to thank your Lordships for the kind attention with which you have listened to my humble Address, which I can assure you came from my heart. I have done it with the view of testifying to my niece and my Sovereign my loyalty and my affection, and, independently of this, I have done it from my feelings of affection for the Duke of Kent, her dear and lamented father, whose kindness I never can forget; and I must be permitted further to observe, that I, with the illustrious Prelate now the head of the Church, and the noble Duke then president of the Council, were among the first to witness the birth of that illustrious Princess, and I trust that the interest which the noble Duke feels in her, will lead him, like me, to co-operate in the promotion of the measures to which I have referred. My Lords, I have done; I hope that your Lordships will allow this Address to be read by the clerk, for the state of my eyes, my Lords, are such as to prevent me from so doing, and with confidence I submit it to the consideration of this House.

The Address having been read by the clerk,

Lord *Portman* rose to second the address, and said: My Lords, I cannot but feel that I am placed in a situation of peculiar difficulty in rising to second the address which the illustrious Duke has proposed for your adoption. I feel that I am placed in great difficulty, because the speech of the illustrious Duke must have had such great weight with your Lordships, that, compared with anything which I can offer to you, it must make my words almost of no effect. I must, therefore, entreat your Lordships to extend to me the greatest share of that indulgence, which, upon former occasions, you have been pleased to show towards those noble Lords, who have been similarly circumstanced to myself. I cannot but feel, looking at myself, individually, that among all your Lordships I should have been the last to have been selected for this honour; for, my Lords, I must confess it to be a high honour to be allowed to second the illustrious Duke upon this occasion in moving the first address to her Majesty from this House, or, I ought rather to say, the first address from her first Parliament. I cannot, my Lords, but be willing, to believe, that I have been called to this task more out of compliment to the inhabitants of this metropolis than to myself. I say this, my Lords, because you will all be aware that I am the only one of your Lordships' House who has ever been intrusted with the representation of any part of the constituency of this great town. Looking, then, at my situation as a compliment intended to them, I trust that your Lordships will feel that I have not improperly accepted the honour. After what the illustrious Duke has stated to you, it will be my great anxiety not to make use of any expression which can disturb that unanimity which is on all hands allowed to be so extremely desirable on the present occasion. Therefore, if in the course of the few observations which I may feel it my duty to address to your Lordships, I should unfortunately make use of any such expression, I trust your Lordships will impute it to my want of judgment, and not to any intention on my part to disturb the unanimity which it is so desirable on all accounts to maintain. In reference to the various topics of the Speech from the Throne I would venture to observe, that it must be gratifying to your Lordships that Parliament has been called together at this early period for the purpose of forwarding business in such a manner, that we may hope to receive in this House measures for our consideration at a period of the year when your Lordships are disposed in large numbers to attend. Upon the subject of our foreign policy, I will only congratulate your Lordships upon the continuance of peace, and express a hope that the country may long be blest with its continuance. With respect to the civil war in Spain, that, my Lords, is a subject which probably hereafter will have to be discussed by your Lordships; but I would venture to observe in passing, that it must have appeared to all of your Lordships that, at all events, that war is continued without the wish of any considerable portion of the inhabitants of that country; but, my Lords, I am sure you will all feel that a treaty which has been made, it is the duty of this country to maintain. My Lords, with reference to the treaties of commerce to which her Majesty has been pleased to allude, of course when they come before this House it will then be time to sift their contents, and ascertain whether they are founded upon that safe and sound system of reciprocity which may make them lasting, and, if I may use the expression, fair to both parties concerned; for if treaties of commerce are not founded on a fair basis to both parties, speculations may be encouraged, but lasting good cannot be hoped for. My Lords, upon the subject of Lower Canada, I am sure it would be most indiscreet in me to attempt to dilate, because it is one of those peculiar subjects which require to be discussed with the greatest calmness, and to be looked at in all its bearings most cautiously, most deliberately, and with the utmost patience. There is, my Lords, a subject alluded to in the speech, which perhaps peculiarly relates to the other House of Parliament, but upon which I may, perhaps, be permitted to say a few words, namely, her Majesty's gracious communication upon the subject of the Civil List. With respect to her Majesty's recommendation of the greatest economy being observed in the preparation of the estimates, I am quite sure your Lordships will all feel grateful to her Majesty for that kind feeling towards her people which such a recommendation cannot but manifest. But, my Lords, with reference to the Civil List, it it with great satisfaction I have heard it stated, that her Majesty has surrendered to the country that which her late royal predecessor was pleased to surrender. I consider it a mark of great wisdom not to depart from the precedent established by a Sovereign of great experience, and who was able to enter into the consideration of these matters in a manner which cannot be expected from her Majesty. I think it, therefore, wise on the part of her Majesty to have followed the precedent of the late King, and that it will be wise in us, my Lords, to meet it in a friendly spirit; for upon this point I would beg to observe, that it will afford to your Lordships an opportunity of showing that gratitude which you cannot help feeling towards the Sovereign for the kind and considerate manner in which, upon all occasions, she has conducted herself towards her people. My Lords, we are placed in a peculiar situation; we have a Sovereign on the Throne born in this country, educated in this country, and coming to the crown at an age that altogether frees her from being mixed up with any political or party differences; and who, moreover, has been taught that she is alone to consider the welfare of every inhabitant of the empire, and that her sole duty is to promote their prosperity by every means in her power. My Lords, you will all remember that at the prorogation of the late Parliament, her Majesty stated to us her anxiety to do everything in her power to compose and allay animosity and discord, and she has graciously repeated that sentiment in the Speech from the Throne this day, adding that the early age at which she has been called to the sovereignty of this kingdom rendered it a more imperative duty that, under Divine Providence, she should place her reliance upon the cordial co-operation of Parliament, and upon the love and affection of all her subjects. My Lords, I am sure we shall all be disposed to follow the example, if I may venture to call it an example, which the inhabitants of this great metropolis have so recently displayed. The illustrious Duke has alluded to it in a manner much more powerfully than I can do, for he was present on the occasion, but I am fully aware that a sentiment of attachment and loyal affection towards her Majesty pervaded all classes of the community, as was visible, on that memorable day. No doubt, my Lords, among the great mass of people then assembled, some were attracted by mere idle curiosity, and mingled with the crowd for the sake only of amusement; but, my Lords, of this I am most assured, that none retired from witnessing the scene which that day presented to them, without feeling an increased attachment to their Queen; for of her Majesty it may most truly be said:

> " Instar veris, enim, vultus ubi tuus
> Affulsit populo, gratior it dies
> Et soles melius nitent.''

Her Majesty was pleased in the course of her Speech, to advert to the internal peace and domestic tranquillity which at present happily prevail, as very favourable for the consideration of such measures of reformation and amendment as may be considered expedient. I am confident that your Lordships generally concur with me in the propriety of following up that advice, by endeavouring to clear off some portion of that arrear of unavoidable imperfections and abuses which has accumulated for centuries. Her Majesty was also pleased to direct your Lordships' attention to that course of legislation which was necessarily suspended by the dissolution of the last Parliament. I think it is most wise that Parliament should endeavour, before any new topic whatever is introduced, to clear off all the arrears before it. It is most important that your Lordships should calmly and patiently re-consider those subjects which have from time to time occupied us, and that you should endeavour to bring them to a settlement, satisfactory to all parties interested in them. Her Majesty has been pleased, first of all, to advert to the inquiries which have been made into the condition of the poor in Ireland. I should be sorry to say one word calculated to excite any difference of opinion upon that subject, but I cannot help expressing a hope that we may be able to devise some means that may be acceptable to all parties for providing a certain and sure refuge for those who are absolutely destitute. However, above all things, my Lords, I trust you will consider the subject well before anything like the English law of settlement shall be established in Ireland. There is one point connected with this subject, which appears to me, my Lords, to be most important—I mean, that in considering this question, we ought to regard it purely as an Irish question, and ought not to suffer ourselves to be led away by any consideration as to the beneficial effects to be derived to England or any portion of its inhabitants. My Lords, with reference to the Irish corporation measures, I trust that we shall be able to find some means for remedying those evils which all admit now to exist, and that, at the same time, we shall succeed in framing an Act of Parliament that may give to the inhabitants of the towns in Ireland a due share in their local administration. I think it is good for all men to be enabled to rise in their stations, whether the dignities be of one class or another, and that by having legitimate objects of ambition they may hope by good conduct to merit the support whether of their fellow-citizens or the Crown, and obtain a step in society and attain to distinction in their native place. My Lords, the next topic adverted to in the Speech from the Throne is one which has been so often detailed and so long agitated—I allude to the Irish tithe-laws—that it is time we should find some method, if I may use a common expression, of giving and taking, by which that question may be brought to a proper and satisfactory settlement. I am glad that these three topics have been mentioned in the Speech from the Throne, because I would entreat you to refer back to the first united Parliament which sat in this country, and ask your Lordships to read the speech of the then Duke of Montrose, who moved the first address in the united Parliament. In it he held out to Ireland the brightest hopes, the fairest promises of extending the liberality of England towards her on all occasions, and said he believed that no imagination could conceive the height and happiness, the power and riches, to which Ireland would be raised, when fostered by her sister country. My Lords, we have yet to perfect that which was then held out, and I trust her Majesty may have the happiness of seeing measures devised which, during the long reign we all anticipate for her, may secure to Ireland that happiness which was promised her at the union. With reference to the improvements in the law which are referred to, it may naturally occur to your Lordships that the topics alluded to are those which have already been under your consideration—the abolition of imprisonment for debt, an improvement in the discipline of the ecclesiastical courts, the despatch of equity business, the settlement of the charities of boroughs—a matter of great consequence to the poor within those boroughs — and an arrangement of the boundaries of the boroughs, with reference to the police of those boroughs; and I trust that measures with reference to these and many other matters will be speedily brought under the consideration of Parliament. My Lords, with reference to the state of this country, to which her Majesty is pleased to allude, it becomes me to say but little, though I cannot avoid expressing my happiness that all interests of the country appear to me to be in a sound and satisfactory state. I am aware that it is always unwise to talk too much of national prosperity, and that it is most dangerous to endeavour to persuade people that they are in a better condition than, perhaps, they find themselves to be; therefore I wish it not to be understood that I am prepared to state that the country is in such a state of prosperity as I once remembered to have heard of when in the House of Commons; but, nevertheless, my Lords, I believe it is in a sound and satisfactory state. Her Majesty has been pleased to express her confidence in the loyalty and wisdom of Parliament, and her anxiety for its cordial co-operation. This is a declaration which only a constitutional Sovereign has the happiness and privilege to make; but, my Lords, it comes to us with an authority which I think is greatly augmented by the youth of our Sovereign. I consider that a weight is given to that request which we should hesitate long ere we refuse it; on the contrary, my Lords, we ought to show ourselves ready cheerfully to acqu esce in it; for, my Lords, you will all agree with me in thinking that the most noxious weed in the human mind is prejudice—the most fatal disease is an overruling and impatient party spirit. It is the first duty of Parliament to combat with those pernicious influences, and to endeavour to unite into one only party all the people of this nation. It is our duty to extend to all the blessings of the British constitution—it is our duty to afford to all the equal protection of the law—and it is our duty to attach every man to the institutions of the country, by purifying them from all those, if I may so say, abuses which time and human infirmity must create in everything. And, my Lords, the way to effect this object is to hold ourselves as an example of freedom from prejudice, and of a disposition to concede minor matters for the public tranquillity and happiness. My Lords, if I may venture to trouble your Lordships with a quotation apposite to this subject, I would request you to look back to the first speech of her Majesty Queen Anne, who told her Parliament that, in dealing with all as equally well affected to her service, she hoped to see no heats or animosities prevailing among themselves. But to carry you back to the Queen, her predecessor, I would point your attention to a sentence of the Lord Keeper Bacon's first speech before Elizabeth, when he advised the Parliament somewhat in these words: — " You will in this your assembly coolly and patiently hear all good councils, and clearly forbear from all manner of contentions, and from the use of all sophistical arguments, because contentious disputations are not suited to consultations on weighty matters, besides which they cause much expense of time, and few good consequences spring from them." My Lords, I may perhaps again remind you—for upon this subject I own I feel strongly — that we open our business day by day by praying for wisdom, and that we may be enabled to lay aside all private interests, prejudices, and partial affections; and that as asking for that blessing, I think we are bound to show that we desire to the utmost of our power to extinguish all minor party differences for the purpose of arriving at a satisfactory conclusion of our labours, so as to deserve the confidence of the Sovereign and of the people, of whom I am prepared to maintain, as I have no doubt all your Lordships are likewise prepared to maintain, that we are a part. We may look back to history for a precedent; we may look for a similar occasion, for a like necessity, but we shall find none; for there never was a time, there never were circumstances so peculiar as those under which her Majesty has ascended the Throne. This is a moment when we are bound peculiarly to look to that which is the best advice for her Majesty, and bound also to look to that which is best for a people increased in civilization, and educated more extensively than at any former period at which a Sovereign has ascended the Throne; I say this is the time of all others when, without abandoning our principles—for I cannot for one moment suppose that any one of your Lordships would, for any consideration, abandon that which you conceive to be a right principle of action, but maintaining our principles, and acting as if we were friends and not as foes, as if we desired to convince one another in carrying out the details of legislation on our principles—I say that this is of all times the time when we should lay upon the altar of our country our own peculiar views, and make our only study be—useful and practical legislation. I say, my Lords, this is the time,

"———simul alba nautis
Stella refulsit
. . . . .
. . . . .
Et minax (quod sic voluere) ponto
Unda recumbit."

I am obliged to your Lordships for the patient attention with which you have heard me. I trust I have not said any thing calculated to disturb the unanimity of your Lordships this night, and beg, with humble submission, to second the address.

The Duke of *Wellington:* My Lords, I have great satisfaction in rising upon this occasion to give my assent to the Address moved by the illustrious Prince opposite in answer to the Speech delivered by her Majesty from the Throne. My Lords, I have so little objection either to that gracious Speech or to the address moved by the illustrious Prince, that I should have thought it unnecessary to address one word to your Lordships upon the subject, if it had not been for the purpose of expressing my respect for her Majesty and likewise for the illustrious Duke who has moved the Address on this occasion. I shall certainly follow the example of his Royal Highness, and of the noble Lord who has seconded the Address, in making no observations either upon the Speech or the Address which can in any manner occasion any irritation of feeling or difference of opinion on the part of any noble Lord on either side of the House. My Lords, I sincerely congratulate your Lordships that on this first occasion upon which her Majesty has addressed the Parliament called by herself, it is in the power of this House to return an answer to her Majesty which shall be unanimous! It is impossible that any noble Lords could have addressed themselves to your Lordships with more judgment and discretion than the illustrious Prince and the noble Lord who last addressed you. My Lords his Royal Highness has been pleased to advert to a certain fortunate event at which I was present at the same time with his Royal Highness. I perfectly recollect that event, and I have always considered with the utmost interest the object of it. My Lords, I hope that during every moment of the remainder of my life I shall witness the prosperity of her Majesty's reign, and her individual happiness. I can say no more, my Lords, to express my feelings towards that illustrious individual. My Lords, I likewise recollect the expressions to which the illustrious Prince has adverted, and which fell from me at the termination of the last Session of Parliament. My Lords, I have not by any means changed my intentions upon those subjects; and I will only upon this occasion add, that those subjects have been adverted to in the Speech from the Throne, and also in the Address moved by the illustrious Prince, and seconded by the noble Baron in such a manner as to facilitate the intentions of which I spoke last Session. I will not trouble your Lordships further, except to express my anxious hope that this Address will be allowed to pass unanimously.

The address was agreed to *nem. con.* and was ordered to be presented with the usual forms.

HOUSE OF COMMONS,

Monday, November 20, 1837.

MINUTES.] The Sessional Orders were agreed to.
The Commmons attended the House of Lords to hear the Queen deliver her Speech, and then returned to the other House.

ADDRESS IN ANSWER TO THE SPEECH.] Her Majesty's Speech having been read,

Lord *Leveson* rose to move, that an humble address be presented to the Queen, returning to her Majesty the thanks of that House for the gracious Speech which had just been delivered to both Houses of Parliament from the Throne. He trusted that the House would not prove insensible to the difficulties of the charge which he had undertaken; that if he failed in the ability, he hoped they would give him credit for the desire, to do it justice, and he begged to assure them that he said this, not as giving expression to mere formal words of course, but under a strong conviction of the arduous nature of the task which he had undertaken. Although influenced by the feelings which such a conviction could not fail to produce, he ventured to hope that the House would extend to him an indulgence at least equal to that which they had shown him in that place on a former occasion, and that he might, however imperfectly, be permitted to make a few observations having reference to the Speech which they had just heard, and at the same time offer, very briefly, a few of the grounds which ought to lead the House of Commons to an unanimous vote in favour of an address to her Majesty, which address he proposed should echo the sentiments that had been so graciously uttered from the Throne. The Speech was composed in a manner so perfectly conciliatory, that it would ill become him not to follow the example which had been presented to them from the highest quarter; he should, therefore, in the few remarks which he had to offer, avoid anything in the remotest degree, approaching an angry tone of discussion, as that which was not only generally inexpedient but peculiarly unsuited to an occasion like the present. He should, in the first place, congratulate the House on the assurances which Parliament had received from her Majesty of the friendly sentiments and dispositions of all foreign powers towards this country. It was partly on the principle of maintaining peace with foreign powers, that the present Administration came into power, and on that principle they stood at a time when peace was deemed all but impossible; he rejoiced to say, however, that peace had been preserved—that we had been protected from war and all its concomitant evils, without injury to the national honour, or the least detriment to any of the great interests of the country. There was another, and as he conceived it to be a very strong ground of congratulation, and that was the success which had attended the measures adopted for the extension of our commerce. That success was, in part, owing to the improved views with respect to trade which had begun to obtain on the continent; but he nevertheless would contend, that no trifling thanks were due to the Executive Government of the country for these ameliorations, and that the advisers of the Crown were perfectly justified in putting into the mouth of the Sovereign an expression of congratulation at those improved relations with foreign powers to which he referred. He was sure the House would hear with satisfaction that her Majesty had concluded a commercial treaty with the confederation of Peru and Bolivia. He hoped, and confidently expected, that the commercial results arising from that treaty would soon be extensively and beneficially felt, and that its influence on other powers would greatly tend to the advantage of this country. He did not for a moment mean to deny that our trade had experienced a severe shock; occasional events of that nature were inseparable from our condition as a manufacturing and commercial country; and while he ventured to congratulate the Parliament and the nation at large upon our having passed through the main difficulties of the crisis, he could not refrain from expressing the strong and warm admiration which he felt at the conduct of the manufacturing classes, the discretion and the fortitude which they displayed under all their difficulties. Those difficulties were such as no measures of the Administration could have prevented, and the manner in which the working classes of the manufacturing districts had borne up under their sufferings presented a most pleasing contrast to former occasions. This altered and improved state of feeling amongst them was a proof that they reposed a wise and generous confidence in the responsible advisers of the Crown, and it was a proof likewise of that which afforded him still greater pleasure—namely, of their intelligence, morality, and good sense. With respect to the civil conflict now unhappily going forward in Spain, it was a matter which all who heard him must agree in lamenting; but he was sure there was no Member of that House who would not readily and cheerfully concur in enabling the Sovereign of this country to keep her engagements with the Government of Spain. He might now venture to say, that the cause of Don Carlos was hopeless. Induced by the advice of those whom he thought his friends in other countries, he had attempted to march upon Madrid, but that attempt had been marked by signal failure, and the hope might therefore now be entertained that at the instance of, and through the mediation of, this country, peace might be restored. He was confirmed in that expectation by the sentiments they had that day heard from the mouth of the Sovereign. On these, and other grounds, he earnestly wished for the perfect fulfilment of those engagements, affording, as they must, the best guarantee of the future peace of Europe. The next subject to which it was proper he should direct, or rather invite, the attention of the House, was the condition of Canada; he was sure it was one to which Parliament would turn its most serious and anxious attention, and he entertained the most confident expectation that they would enter upon it in a spirit of conciliation and cordiality, and that the good understanding between the mother country and the colony which had hitherto so happily prevailed would in time coming be preserved to the advantage of both. Among the various grounds of congratulation which the present state of affairs presented to all who felt interested in the well-being of the country, and amongst the several gratifying topics in the speech from the throne, the improving prospects of Ireland stood prominently forward. The absence of all outrage—[*" Oh! oh!" and Cheers.*] He would persevere in using the language with which he intended to close his sentence. The absence of outrage bearing the stamp of political disaffection formed just ground of confidence and congratulation. He would re-assert that opinion, and add, that good feeling and loyalty generally prevailed in Ireland. Even those who formerly might be considered as too warmly advocating the interests of their own country had proved, by dissolving the General Association, that they were determined to avoid even the appearance of agitation. He could not but rejoice at the moderate language used by the Crown on the present occasion in reference to the measures intended to be introduced for the amelioration of the state of Ireland. It was right and fitting that that language should be moderate; but it was at the same time most important to be borne in mind, that no measures could be final and satisfactory which were not calculated to meet the reasonable wishes of the people of Ireland. For example, he felt persuaded that that House would not consent to any enactments on the subject of municipal reform which did not go to place the people of Ireland on a footing of perfect equality with those of England, so far as regarded corporate rights, and indeed in every respect. Those were the principles upon which the last House of Commons had acted, and he trusted that they would find favour in the eyes of the present. With regard to tithes more particularly, he did hope that the Parliament now elected would follow in the steps of its immediate predecessors, and there could not exist a shadow of doubt that those laws required revision and amendment. He next came to a part of her Majesty's Speech which might be considered as especially addressed to the House of Commons, and which related to the Civil-List. It appeared, that the Sovereign had placed completely at the disposal of Parliament the hereditary revenues of the Crown, promising, at the same time, that every means should be furnished for the institution of a full and minute examination into every branch of the subject. He need scarcely remind hon. Members, that on former occasions, most of the inconveniences and embarrassments arising out of the arrangement of the Civil-List, had their origin in misunderstandings which took place in the first instance—misunderstandings which could be traced solely to the want of proper explanations on the part of the Crown. Happily those difficulties would now be prevented or guarded against beforehand, and that in a manner the best calculated to secure the confidence of the people. On this point, it was to be remembered that her present Majesty stood in rather a peculiar position. She succeeded to no part of the personal property of her immediate predecessor—she possessed no part of the income which her ancestors derived from their foreign possessions. There was no one who less deplored, than he did, the loss of that foreign dominion, and it might be thought that the income thence arising was a matter utterly unworthy of the attention of a great country like England. He concurred in that opinion—he by no means thought that it should occasion the least concern; but it was a circumstance not to be lost sight of in arranging a suitable provision for the Sovereign, and he therefore trusted that the two points to which he had thought it right thus to call the attention of the House, would not be overlooked; he hoped, also, that one truth bearing on the question, would not be lost sight of—namely, that under circumstances such as the present, liberality was the best and wisest economy. There was every reason to believe that the new reign would be of lengthened duration. He hoped and believed that, under Divine Providence, it would be a long and happy reign. Liberality at its commencement would render unnecessary any further applications to Parliament for pecuniary grants; and he therefore would contend, that a judicious and well-regulated liberality must, in the end, prove the best economy, and therefore the least injurious to the pockets of the people. He could readily quote the opinions of many influential Members to prove the expediency and importance of perfect unanimity on an occasion like the present—on an occasion when, for the first time a new Parliament, being the first called under her Majesty's authority, had assembled to meet the Queen; but he felt unwilling to detain the House with matter which he was sure the sentiments generally entertained would render quite superfluous. There was one topic, however, which he could not conclude without again adverting to, and that was the reference made to the early age at which her Majesty had been called to the Government of these realms, and the reliance which she, on that account, found it necessary to place upon the wisdom of Parliament, and upon the love and affections of her people. No one could have heard the Speech, as it was delivered by her Majesty, without feeling, in the highest degree, that that language accorded with the sentiments of the royal breast; there could not be a doubt either that when her Ministers suggested that portion of the Speech, they were fully borne out by facts. When they advised her visit to the City of London, and attended her thither, they must have seen and heard the hundreds of thousands who gave her such an enthusiastic reception. They must have been deeply sensible of the devotion of a loyal, and, he would say, of a chivalrous nation. It would not, he trusted, on such an occasion, be unbecoming that he should call upon the House to agree with the other branch of the Legislature in a compliment to the Sovereign. Once more, then, he requested them to agree to an Address with unanimity. The noble Lord concluded by moving an Address, which was, as usual, an echo of the Speech.

Mr. *Gibson Craig* seconded the Address. He observed, that it was the first time he had ever risen to address the House of Commons; that he was not only new to Parliament, but utterly unacquainted with its forms. He therefore hoped, they would excuse any omissions or irregularities of which he might be guilty. The ability and eloquence with which the noble Lord who preceded him had addressed the House, rendered it the less necessary that he (Mr. G. Craig) should detain them at any length in discharging the duty which devolved upon him as seconder of the Motion; in the earlier part of her Majesty's Speech, however, an allusion had been made, which he could not pass over in silence, and that was to the necessity of making adequate provision for the poor of Ireland. In making alterations in the institutions of a country, it was important that the minds of a people should neither be moved by angry feelings nor influenced by prejudice. The hon. Member appeared to have entertained the intention of addressing the House at greater length, and referred to his notes, remaining a few minutes on his legs without speaking; but after some time, he was understood to apologise for so far trespassing upon their indulgence, and sat down.

The Speaker read the address.

Mr. Wakley and Mr. Harvey rose together. The Speaker called on

Mr. *Wakley*, who spoke as follows; Sir, I rise on this occasion to discharge the humble duty of acquainting her Majesty's Ministers that they have some Radical supporters in this House—a circumstance which, I regret to say, they seem to have altogether forgotten. I have seen several copies of the Speech, but until I heard it read from your lips, Sir, I did not believe it was the speech which her Majesty delivered from the Throne. I am disposed to ask after that Speech a question of the noble Lord himself and of his colleagues. I wish to ask for what purpose her Majesty's present Ministers were so anxious in 1835 to eject the right hon. Baronet opposite from office? I feel bound in honour andcandour to ask the question, and I hope that in he course of the night's debate her Majesty's Ministers will answer the question as frankly as I put it to them. I came into the House to support the cause of the people, and not the cause of faction or party. Party and faction have been the curse of this country for centuries, and if we follow the course which her Majesty's Ministers this night have marked out, it is not likely that we shall be relieved from this curse. When the right hon. Baronet opposite produced his speech in 1835, the friends of the present Ministers told him that the speech from the throne dealt in vague generalities—that there was nothing specific in it, and nothing to satisfy them what reforms the right hon. Baronet intended to propose. They have now got their friends in office, and there can be no reason for their not saying what reforms the country needs, and what specific reforms they purpose to effect. But they have omitted everything of the kind from their Speech; they are entirely silent upon these subjects; nor is there a single enunciation of one of their reforms in the whole Speech. [*No, no!*] I say yes; I have the Speech in my hand, and I must say more, that I never read a speech from any Sovereign of this country more vague, more general, or less precise. I hope that hon. Gentlemen opposite will not cheer too much. I assure them I have no desire to see them in office: on the contrary, I hope I am doing a real service to her Majesty's present Ministers. I have always said that I thought they were made of "squeezable" materials; and I still think we may press from them something. But, looking to the other side of the House, I see only the enemies of reform, and therefore of the people. I tell them that they are made of petrified materials, out of which nothing that is good can possibly be moulded. In 1835, the noble Lord now at the head of the Government moved an amendment in the House of Peers; he stated then that he wanted something more specific than what was contained in the Speech. Again, the language used by the noble Lord, the Secretary of State for the Home Department, was nearly similar. He said in the Speech on the Address in February, 1835, "I think it far better that this House, as the organ of the sentiments of the people, should speak in its own language to the Throne, than that we should take the chance of these various subjects being questioned among the people, exciting much discontent here, and far more in Ireland." I will trouble the House with a few more of the noble Lord's opinions: "If this House yield too implicit an acquiescence in every thing which is suggested by the Crown, we may be in danger of losing the essence of reform. I think that if we send up the Address, as proposed to be amended, stating clearly the reforms which are required, we shall do our duty to our constituents and to posterity, so that we shall be reproached neither with pusillanimous weakness on the one hand, nor with inconsiderate rashness on the other." Now, Sir, I wish to know where is this distinct and specific mention of reform in the Speech from the Throne? We all have come fresh from our constituents, then are you not aware that the voters of England require protection? Is the word Ballot in the Speech? The Members on that side of the House may laugh. The Speech is just such a one as you youselves would have made on a similar occasion. Instead of feeding the people with the crumbs of charity, I claim for them political rights. At the commencement of a new reign, with a young Queen, educated as ours has been, the people are entitled to expect that something more explicit should appear in the Speech. I will ask, Sir, is the elective franchise extended enough? I say no;

and the people of England, Ireland, and Scotland say no. They grind their teeth under the infliction, and I am afraid will never be relieved, unless their grievances be specifically introduced into the Address. I do not expect that I shall get that done on the present occasion; but I think it right the people should know what is the disposition, what are the feelings of the House, and what there is reason to expect at their hands. We have all just come from the hustings, where even you, Gentlemen (the Tories), were Liberals. At Liverpool, and indeed throughout the whole country, the same language was used—all were there the friends of the people, yet as soon as any specific proposal is brought forward, nearly all of us fly from it, a d leave the people at the mercy of thenaristocracy. At Liverpool, at an operative Conservative dinner in October last, the noble Lord whom I do not see now in his place (Lord Sandon) is reported to have said—and the same language has been held by a great number of hon. Gentlemen sitting on that side of the House:—"He was glad to find that the operatives had determined to have their day also; for why should not they who had a great part of the labour also share in the triumph? He was happy that Conservative representatives had it in their power to appeal to the operatives, and to the working classes. Could the Liberal party have had their way it would not have been so." The noble Lord declared himself a friend to the extension of suffrage, and I am disappointed at not seeing him in his place, for I had hoped to have had him for a seconder to my motion. Really I was going to apply to the noble Lord to second the amendment that I intended to propose. "But the Liberals," the noble Lord continued "were beginning to find that even the poorer classes were not so democratically inclined as they could wish. They thought that the poor would pull all down before them in the hope of catching something in the general scramble; but the poorer classes understood those subjects, and had a deep interest in good government and ancient institutions, &c. The Liberals, therefore, now felt, that persons entertaining such opinions were not worthy to have a voice in the legislation of the country. He was glad, however, that they had learned a proper sense of their true interests and could be trusted with the same security as any other class of politicians." Such is the language of the noble Lord the Member for Liverpool. That noble Lord, therefore, declares himself a friend to the extension of the suffrage. [*No, no!*] What? is not the noble Lord favourable to an extension of the suffrage when he says, "he is glad that the operatives have learned a proper sense of their true interests, and can be trusted with the same security as any other class of politicians?" If that be the truth, as no doubt it is, I call on the noble Lord to act on the principle he has asserted, and give me his vote to night. And I ask her Majesty's Ministers if they are prepared to see the ground removed from under their feet by their political enemies? The opposing party profess themselves friendly to Reform. I shall test the sincerity of both parties by the amendment I intend to move. That amendment is expressed in general terms; it contemplates merely an extension of the franchise, and I am ready to take the smallest quantity that you will give. The noble Lord having so recently made such a liberal speech to the operatives of Liverpool, I confidently rely on his vote in favour of the amendment. The noble Lord cannot hesitate. But I shall be glad to learn how her Majesty's Ministers intend to maintain themselves in office under the existing circumstances. I shall be glad to know how they expect to command majorities in this House? Where is the majority to come from? I suppose that on the most favourable occasions it will not be above 25 or 30, and on rather untoward occasions it is possible they may find themselves in a minority. But is it intended for the two political parties in this House, who have been opposed for such a length of time, to unite in one friendly embrace? Is it intended to form a coalition? I ask that question, because I should like to hear a distinct disclaimer. It is right the people should know what they have to expect from the contending parties in this House; and if a coalition is to take place, I feel bound to declare that the contests which have taken place during the last three years assume, in my mind, the character of factious. It will then appear to me that there was carried on a factious opposition at the commencement of the Session of 1835. What was the language of the right hon. Baronet opposite on that occasion? I have been amusing my mind of late by looking over some of those things, and really it is very entertaining work to see the manner in which persons will assert one thing at one time and another at another. The right hon. Baronet, on the 24th of February, said, speaking of the opposition, "They select the questions which are practically decided, which all the world admits to be finally disposed of; but the unsettled questions they dare not advert to. They shrink from a reference to the Ballot, the Septennial Bill, the pension list, and the extension of the suffrage!" I shrink from neither of these questions, but we shall see who does to-night. This was the opportunity of adverting to all those subjects, but not one of them is touched on: on the contrary, the speech exhibits still the same dread of alluding to the Ballot, the same fear of extending the suffrage, and the same horror of the repeal of the Septennial Bill. But what said the right hon. Baronet opposite in February, 1835? He spoke thus:—"I make great offers, which should not lightly be rejected. I offer to you the prospect of continued peace, the restored confidence of powerful States, that are willing to seize the opportunity of reducing great armies, and thus diminishing the chances of hostile collision. I offer to you reduced estimates; improvements in civil jurisprudence; reform of ecclesiastical law; the settlement of the tithe question in Ireland; the commutation of tithe in England; the removal of any real abuse in the church; the redress of those grievances of which the Dissenters complain upon just grounds. I offer to you these specific measures; and I offer also to advance—soberly and cautiously, it is true—in the path of progressive improvement." The right hon. Baronet appears almost a Radical Reformer in comparison with those who prepared this speech. Where are the promises on the present occasion? What is there in the present speech at all resembling what I have just read? I say that there is not a thing in the Speech which should induce a Radical Reformer to vote for it. I fear that in the present Session we are to witness a renewal of those hostile and rancorous proceedings which have been exhibited in this House during the last three Sessions. There have been proceedings during that period which, in my opinion, have greatly contributed to lower the character of this House in the public estimation, and to take from it the confidence and respect of the people. There have been proceedings such as were calculated to give the impression to the people that all that was operating on the minds of some public men was, how to hold the seals of office—was how to secure the profits, and how to exercise the patronage of office. Surely it is time that such an illusion should be dissipated—surely it is time, if any one believes that the aristocracy have the intention of relieving the people, that the people should know what it is that they have to expect. In 1829 commenced the work of Reform, by the passing of the Catholic Emancipation Bill. When that Bill was brought before the House, the language of the right hon. Baronet opposite was of a most conciliatory nature. Language of a similar description was used in the House of Peers, and it was thought, and wisely thought, that the profession of a particular religious belief in no part of the kingdom would be an obstacle to the enjoyment of civil rights and privileges. I entreat this House to pay attention for a few moments to the observations of the right hon. Baronet opposite to which I have referred, inasmuch as they bear on that part of her Majesty's Speech which alludes to the Irish Municipal Corporations Bill. It will be remembered that Ireland at that time was in a state of turbulence, and it was admitted by the right hon. Baronet that he was compelled to yield to a moral necessity which he could not control—that in fact the passing of that Bill was forced upon him. But when the right hon. Baronet brought the Bill into this House every Member believed in his sincere desire to carry out its principle to the fullest extent; and I think it was generally believed that the language used in the House of Peers was clearly indicative of the utmost sincerity. I will not occupy the time of the House by reading long passages from the speeches to which I shall refer, but I will furnish one or two pithy extracts. "This Bill," said the Duke of Wellington, "is in itself very simple. It concedes to Roman Catholics the power of holding every office in the State, excepting a few connected with the administration of the affairs of the Church; and it also concedes to them the power of becoming Members of Parliament.* * * *

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* Hansard (New Series), vol. xxi. p. 52.

There is no doubt that after this measure is adopted the Roman Catholics will have no separate interests as a separate sect; for I am sure that neither this House nor the other House of Parliament will be disposed to look either upon Roman Catholics, or upon any thing that respects Ireland, with any other eye than that with which they regard whatever affects the interests of Scotland or of this country."[*] Lord Lyndhurst spoke as follows on the condition of Ireland and advantage of conciliating the Irish:—"In looking at that country (Ireland), and at the policy which had been pursued towards it, I found that for years past civil disabilities and civil proscription had been practised there; and I found, too, that these had effected no change in the condition of Ireland. No change! My Lords, I considerably understate the argument when I put it so. The condition of Ireland has been growing worse, year after year. During these last two years it has become still worse than it ever was before; and, from what I have heard and know, there is reason to expect that in two years more it would be infinitely worse than it is at present. If, then, I found that such had been the consequence of this course of policy, could I have said 'Persevere in it?' Would that have been my duty? Or was it my duty to consider if a different course of policy ought not to be adopted, if conciliation ought not to be tried where severity had failed, and if it would not be wise to make these individuals our friends, by admitting them to the full benefits and privileges of the constitution.[†] * * * I say do not admit the Catholic gentry and aristocracy if you propose to withhold from them, and from the mass of the people, the enjoyment of all the other fair objects of honourable ambition."[‡] I have another extract from the right hon. Baronet's speech, which is more worthy of attention than any that I have yet submitted to the House. The right hon. Baronet said, in introducing the Bill. "This measure will restore the equality of civil rights." "It is known to every one whom I address, that the law affecting the Roman Catholics in each branch of the empire is different; that the Irish Roman Catholics are the most favoured—the Roman Catholics of Scotland the least. I propose to place them all, as to civil privilege, on the same footing—the footing of equality.[*] * * * This Bill will admit the Roman Catholics to all corporate offices, and the enjoyment of all municipal advantages."[†] These were the words used by the right hon. Baronet, according to the authorised version of the speech in *Hansard's Parliamentary Debates*. Now the Roman Catholic Relief Bill has been passed eight years. Are the Roman Catholics of Ireland emancipated? Are they not at this moment debarred from the enjoyment of their corporate and civil rights in consequence of their being Roman Catholics. All must acknowledge this who wish to express honestly and truly what the real facts of the case are. Then it is proposed that a Bill should be introduced into the House for the purpose of conferring upon them their municipal rights, without previously passing a Bill for the extension of the elective franchise, or of giving the vote by ballot. Must not the people of England be first appealed to, and not the Tory aristocracy of the country? Is it, then, in accordance with a sincere desire or intention to pass such a measure to mention it in a speech that otherwise might have been written by one of the most determined and rigorous Tories in the House? It is impossible to carry such a measure in the present state of parties in the House without an extension of the elective franchise. In 1829, the Tories carried the Emancipation Bill, and when the Reform Bill was subsequently passed they became conformers; but they have succeeded in making the Municipal Bill a dead letter, and it is their intention that we shall obtain no fruit from the Reform Bill; it is their determination that no beneficial consequences shall flow from the Act of 1832. That determination is evinced by them in every act; they show it in the amount of money they spent during the recent elections. Their Spottiswoode gang conspiracy proves it. All their acts demonstrate that they have the same object in view, viz., to prevent the people from deriving any one of the advantages that were intended to be conferred on them by the Reform Bill. An hon. Baronet smiles at any allusion to the Spottiswoode conspirators. He much resembles an hon. Baronet who was my representative for Westminster; but he can hardly be the same individual, the remains of that venerable Gentleman were recently buried in Wiltshire. That Gentleman was my political sire. I hope, should there be any desire on the part of those who were the friends of the people to repeal the Act of 1832, that such desire will be boldly stated. There ought not to be any hesitation in avowing opinions in this House that are freely enough avowed out of it. If it be true, as is represented, that we are an incongruous set on this side of the House; if we are an amalgamation of all kinds of opinions,the Gentlemen opposite are not very smoothly combined. In 1818, 1819, and 1820, some of the Gentlemen now on the opposite side were Reformers, whom their friends had great difficulty in restraining, such was the violent ardour and zeal they exhibited in the cause. One Gentleman in particular brought forward resolutions in favour of annual Parliaments, universal suffrage, and vote by ballot. It cannot be possible that any Gentleman on the same side of the House will now bring forward similar resolutions. It augurs ill, however, for the peace and security of life and property in this nation when there is in persons in an exalted station a disregard of public honour and principle. Can it be believed that there is now an individual sitting on the other side of the House who, in 1809, represented the Tories as the greatest monsters in the world, whose only anxiety was to destroy the people? All these things tend to show me that the people have not their due weight and influence in the assembly, and that the Reform Act has failed to realise the object of its framers. If it have failed, why have not Ministers the courage to say so? If it have not, I say their destination is near at hand, for it is impossible for them to retain their position with that Bill still regulating the franchise. Now, it has always been understood that the Radical party has been disposed to speak in support of Ministers; indeed, they have been accused of lending them a servile aid. For myself I can say, that I have often lent them assistance, because I thought them better Ministers than could have been selected from the opposite ranks. I thought them desirous of proposing many useful reforms, but I am not content that the people of England should receive those reforms as donations at the hands of their own representatives. The people have a right to expect just laws, and that all the old feudal distinctions, so disgraceful to civilisation, be abolished. But in the Address that has been read to the House from the chair there is no mention of a repeal of the Corn-laws for which the people are gasping, or a repeal of the law of primogeniture, which they equally desire. [*Oh, oh!*] I am glad to hear that exclamation. It shows what we have to expect from Gentlemen opposite; and I ask Ministers in mercy — I ask them to save the people from the renewal of the iron grasp of Toryism. I must hope that the noble Lord, in the speech with which he will doubtless favour us to night, will make some manifestations that will tend to relieve us from the deep gloom which all Radical Reformers are under from the reading of the Speech. Sir, hon. Members on that side of the House are disposed, in their addresses to the people, to insinuate much that is liberal, and by that contrivance they have managed to delude an immense mass of the community. I am glad that the hon. Gentlemen on that side of the House are amused at what I have said. Suppose they got into office, how long do they suppose it would be before they would dispel the illusion? If you ask the farmer why he desires the Tories may be returned to office, he will tell you that the Marquess of Chandos will cause the malt-tax to be repealed. Another farmer will tell you that the right hon. Baronet (Sir R. Peel) well knowing the horrors resulting from the Cash Bill of 1818, will give them plenty of one-pound notes. I don't think the right hon. Baronet would do so were he at the head of affairs, and we all know the way in which he prevented the malt-tax from being repealed. That was most adroitly managed. But now, from some cause or other, the people expect great things from the return of the Tories to office. I believe if they were in power we should have a speech similar to the one delivered to-night. That is a good Tory speech. It is nothing less. It is not the speech of a Reform Ministry. No Minister disposed to go into the field of Reform with a firm step and determined mind would have addressed to this House such a speech as that we have heard. Now, believing that we can only be relieved from the operation of faction—believing that the people never can obtain a full restoration of their rights without the alteration of the act of 1832—the amendments which I have to submit to the House are with reference to that alteration, and I shall put them separately. There will be three distinct amendments. I am sincere in proposing these three amendments, because I wish to relieve hon. Gentlemen from the necessity of making excuses for not voting on any particular proposition. When a number of subjects are blended in a single resolution, a man may say, "I would vote for the ballot, but there is another proposition to which I cannot accede." Another might say, "I would vote for an extension of the suffrage, but it is mixed up with two or three other subjects with which I do not agree." Now for each amendment separately. The first is, "That this House embraces the earliest opportunity of respectfully assuring her Majesty that it will, in the present Session of Parliament, take into its consideration the state of the representation of the people in this branch of the Legislature, with a view to ensure by law an equitable extension of the elective franchise." I do not say this shall be household suffrage, or universal suffrage; I merely say that this House shall consider the subject with a view to the extension of the suffrage. If there is any Member who is disposed to extend the suffrage in the slightest degree beyond its present point, I shall obtain his vote on this occasion. If there is any Member anxious for household suffrage, I shall have his vote, of course. If there are any disposed to go still further, it is impossible he can object to my amendment. My next amendment is as follows: "That this House respectfully acquaints her Majesty that it will, in the present Session of Parliament, take into consideration the necessity of protecting the people in the free exercise of their elective franchise, by enacting a law to establish a system of secret voting by means of the ballot." The third amendment is, "That this House take the present opportunity of respectfully stating to her Majesty that it will, in the present Session of Parliament, take into consideration the propriety of repealing the Septennial Act." If these measures should be carried into effect we shall obtain a good and useful reform; but until this be the case the people can scarcely receive any benefit from the proceedings of this House. In the hope that Ministers will be disposed to look on these questions as essential to their existence—as essential to the progress of the cause of salutary reform in this country—I hope, whatever line of conduct they may pursue with reference to two of the motions, they will not at any rate vote as a party against the ballot. If they do, I am certain they will, in a very short time, sit on the other side of the House. I do not say who will take their places here; but I shall deeply lament that they have lost the opportunity of rendering great services to their countrymen—of immortalising their own names—and conferring the most lasting benefit on the community. As certainly, however, as I exist and am standing here, the fate which I have mentioned awaits them unless they change that policy which they at present seem inclined to pursue. The hon. Member concluded by moving his first amendment.

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[*] Hansard (New Series), vol. xx. p. 57.

[†] Ibid. 193.

[‡] Ibid. 207.

[*] Hansard (New Series), vol. xx. p. 756.

[†] Ibid. p. 761.

Sir *William Molesworth* seconded the amendment. He said, that the speech from the Throne ought to explain fully to the House and to the country the course intended to be pursued by the responsible advisers of her Majesty, and the reasons for that course should be so stated that the Representatives of the people might form a general idea of the intended policy of the Government. Instead, however, of the Queen's speech being what it ought to be, it was a bald, disjointed assemblage of words, in which every phrase was intentionally obscure, from which the framers seemed carefully and successfully to have laboured to exclude all sense and all argument, and to have kept in view but one single idea, namely, to frame a discourse about which all discussion should be impossible, as it should contain no topic for debate. The omissions in the speech which had just been read to the House were most important, and he rejoiced most sincerely that an hon. Gentleman had moved an amendment to the address, for the purpose of supplying those omissions. He trusted, likewise, that her Majesty's Ministers were prepared to supply what had been omitted in the speech by their acts during the Session of Parliament, and that they would make a declaration to that effect that night. The omissions of which he complained were, that no reference had been made to the evils of the present electoral system, or to the necessity of remedying them. The annoyance, the expense, and the vexation caused by the system of registration established under the Reform Act were now apparent to every one, and the system could not long be endured. The elective franchise ought to be viewed as an obligation imposed by the Legislature upon the elector for the advantage of the whole community, and the elector, in properly exercising his franchise, rendered an important service to his country. The Legislature, ought, therefore, to facilitate, by every means in its power, the possession of the elective franchise to those who were entitled to it. As the Legislature required a service, and imposed a moral obligation upon the elector, the elector was justified in demanding in return that the laws should be studiously framed so as to protect him as much as possible in the exercise of his electoral rights; but under the present system every elector was exposed every year to a lawsuit before the revising barrister at the malice of any political enemy. He need not refer to the conduct of the Tories in the registration courts, or to how completely they had followed the advice of the right hon. Baronet. He need not refer to their system of wholesale objections. In some cases they had objected to the majority of a constituency. For instance, in the town which he had the honour of representing, the Tories, at the last registration, objected to more electors than the whole number of those who voted for him at the election which had just taken place, a very small portion of which objections they were enabled to maintain. In every quarter complaints were heard of invidious and vexatious objections and improper claims being made; and the experience of the last few years had convinced the great body of the electors that at least that portion of the Reform Bill must be amended which referred to the registration of voters. The events of the last elections had likewise produced the general conviction that the Reform Bill had not attained its object of securing a real representation of the people, and that it had only re-produced in another shape and in a more aggravated form the evils of the ancient system of representation. The defect of the ancient system which was most loudly complained of was, that individuals were enabled by the accidental possession of certain property to return whomsoever they thought proper to the House, and to empower their nominees to tax the people, to legislate for the people; in short, to act as if they were the Representatives of the nation. To change virtual into real representation was the object of the Reform Bill; in this respect it might be pronounced to be a complete failure. Though the Reform Bill disfranchised many nomination boroughs, many still remained; and the Reform Bill had placed the representation of almost all the English counties, and would place the representation of all of them, in the power of the Tories; so that, if some change did not take place, after another general election, it was probable we might search, but search in vain, in that House for one of that class of respectable and estimable gentlemen who were already becoming so unpleasantly rare, and who were termed Whig county Members. So far, then, the Reform Bill was defective, that it had not eradicated the system of nomination, and that House did not represent that class of the community which it pretended to represent, or whom the framers of the Reform Bill intended that it should represent. It might, however, be contended, by the hon. Gentlemen opposite, that the facts which he could adduce in support of the position, that most of the counties in England had become their nomination boroughs, might equally and more justly be explained under the hypothesis that there had been a reaction in public opinion in favour of Toryism. If this hypothesis were a correct one—if this supposed rē-action amongst the people really existed—then its effects would be most apparent in the most populous constituencies, where the exercise of the franchise was freest. It would be most apparent in the contests in the great cities; in Westminster, and the other metropolitan districts; in Leeds, and the other manufacturing towns; but what did the result prove? Not only that there was no re-action in favour of Toryism, but that the masses of the people, the large bodies of electors, held not merely Whig principles, but were inclined to good sound Radicalism: indeed, in every considerable town in which there had been a contest between a Tory and a Radical the latter had been successful, except when the constituency had been polluted by the dregs of the ancient corporations, or when the most shameless bribery, reckless intimidation, and most disgraceful influences had been brought to bear against the liberal candidate. It was true, that to a certain extent, there was a feeling of political apathy amongst the masses, a feeling of indifference towards those who were the leaders of the ministerial ranks; but that apathy and indifference were occasioned, not by any relapse of the people into Toryism, but by their want of confidence in their leaders, by their apprehension that there would be no real efforts made in favour of liberal principles; in short, there was a feeling amongst the people that it was useless to exert themselves, that they were not bound to sacrifice themselves for persons who hesitated to adopt the means of protecting the elector in the possession and exercise of his electoral rights, and who could view with indifference the misery, demoralization, and corruption, consequent upon the present electoral system. Whatever was the amount of demoralization and corruption consequent upon the ancient electoral system, that amount had been increased a hundred-fold under the Reform Bill by the conduct of the hon. Gentlemen opposite. These were the grievances of which the people most justly complained; and now, at the commencement of a new reign, was the most auspicious period for the people to make known their grievances, and to demand their redress; and he repeated, that he sincerely hoped her Majesty's Ministers would, in reply to the hon. Gentleman, declare their intention of speedily bringing in a Bill to amend the representation by reforming the Reform Bill.

Mr. *Hume* trusted that her Majesty's Ministers would state to the House what were their specific intentions with respect to the points in question. He could have no hesitation in saying, that in much of that which had been expressed by the hon. Members who had just spoken he entirely concurred; and he could not help thinking that her Majesty's Ministers had improperly shrunk from laying before the House that fair and candid explanation of their intended course of proceeding which those who had so long and heartily supported them had a right to expect. This conduct of Ministers must proceed either from an apprehension of hostility on the part of hon. Gentlemen opposite, or from a resolution on their own parts not to carry out those questions which they had hitherto expressed their determination of forward. It was due to the country that all doubt as to the intended course of Ministers should be cleared up at once by themselves. He and other Members on that side of the House had supported Government warmly throughout the last Session, in the full confidence that they were earnest in their promises to effect every requisite reform in all our institutions of Church and State the moment they were in the position to do so. In a similar confidence had the people generally also lent the Ministry their support, and it was right that they should understand distinctly whether that Ministry were prepared to do their utmost in behalf of the country. But he was well assured that the people would look with great distrust at the speech which Ministers had drawn up for the opening of the present Parliament, a speech which promised nothing towards abolishing church-rates, and the amendment of the Church itself. The unsatisfactory character of the speech was the more inexplicable to him when he considered how different was the position of matters now from that which existed at the commencement of the last Parliament. When the present Ministers last resumed their position on the treasury benches a monarch was on the Throne whose personal feelings were rightly believed to be unfavourable to them, and then it was, that he (Mr. Hume) and other Gentlemen of his class of political opinions gave their warm support to a Ministry against whom were arrayed not only the Lords and a large minority of the Commons, but a hostile court: this they did in the full persuasion that the ministry they so supported was one resolved upon the completion of every reform which the country called for. It was therefore most unfair to them and to the people, now that perhaps the Sovereign was highly favourable to the principles avowed by the administration, for that administration to withhold from the people a candid, open, and manly declaration of what they were going to do, and a statement whether or not they intended that the Reform Bill should be carried out. In the Speech delivered from the Throne in 1833, there were several most important questions particularly dwelt upon, which appeared to be now lost sight of. But the country would expect of the Government that it should at once openly and specifically state what its intentions were with respect to subjects which, four years ago, it declared to be of such high importance. The right hon. Baronet opposite, when leader of a former administration, in the outset of the Session, openly declared the extent to which he was prepared to go, the measures which he was ready to sanction, and the point at which he was resolved to stop. A similarly explicit and candid statement was expected from the present Government, in order that the country might clearly understand what it was to expect, and how far it was to rely upon the honesty and good will of the existing ministry. The passages in the Speech of 1833, to which he had alluded, were these:—

> "Your attention will also be directed to the state of the church, more particularly as regards its temporalities, and the maintenance of the clergy. The complaints which have arisen from the collection of tithes appear to require a change of system, which, without diminishing the means of maintaining the established clergy in respectability and usefulness, may prevent the collision of interests, and the consequent disagreement and dissatisfaction which have too frequently prevailed between the ministers of the church and their parishioners.
>
> "It may also be necessary for you to consider what remedies may be applied for the correction of acknowledged abuses, and whether the revenues of the church may not admit of a more equitable and judicious distribution."

He would ask the Ministry how it was that, after the lapse of four years from the period at which it was announced from the Throne, that such complaints did exist and such abuses were acknowledged, so little had been done to remedy them? The question of tithes was the only one which had been fairly and properly met, and as so many things remained to be done, the people had a full right to demand from Ministers an unequivocal exposition of their intentions for the future. The people had a right to know whether the noble Lord at the head of the Government in that House intended to proceed with the Bills which he had in former Sessions introduced in furtherance of the other objects set forth in the Speech alluded to. He and many others had, with the greatest forbearance, supported Ministers almost invariably throughout the past Session, and one of their great inducements for so doing was the hope that Ministers would carry out an effective measure for the redress of the Church-rate grievance. Was that measure to be prosecuted this Session, or was it not? To whom was it that the administration looked for support? Was it to hon. Members opposite? If they did, they would find themselves misled and deceived. Their only real support was in the people and the real representatives of the people; and to render themselves worthy of that support, they must manfully carry into effect all the measures which the necessities of the country imperatively demanded—they must carry out the Reform Bill. What was their condition at the present moment? The examples of many of the late elections clearly showed how egregiously that Bill had failed in accomplishing the objects for which it was designed, and of this Ministers ought to be peculiarly well convinced, when they found to how low a rate their former majority of 120 had dwindled. The result of the late elections was a lesson to the administration which it ought not to lose a moment in applying. What, he would ask, was the cause of this great defalcation in the former majority? The defects in the Reform Bill; and he held, that Ministers were bound in consistency with the opinions they avowed when they introduced that measure as an experiment, to enable the people to exercise the privileges it conferred upon them with security, and without hazarding the loss of their property. Hon. Members laughed when he spoke of the measure as only an experiment upon which to found matured reforms, and he was aware that some persons considered the measure as a final one, but it appeared to him that any one who talked of final measures in a legislative assembly, must be a fool. The noble Lord had himself admitted it not to be a final measure in the most unequivocal manner, for he had himself last Session introduced measures for its amendment and extension. How were the Tory successes in the late elections gained? Were they by honest and fair means? No; but by the bribery, intimidation, and corruption which the defects in the Reform Bill still enabled them triumphantly to exercise. He repeated, therefore, that the Reform Act had entirely failed in giving to the people that which the Ministers held out to them, and which they had every right to expect, full protection in the exercise of their Parliamentary franchise. How the Act had worked, the increased numbers on the opposite benches manifested; and this he was certain of, that unless protection to the electors were promptly afforded, the Ministry must abandon all expectation of support from the people. It was essential to their existence as a Ministry, that they should support the ballot, not merely by leaving it an open question, but by zealously making it a cabinet question. One of the promises made in introducing the Reform Bill was, that no constituency should remain less than 300 in number; whereas the fact was, that there were not a few of less than 250 or even 200. It was, therefore, necessary, in connection with the ballot, to extend the suffrage, and he deeply regretted that the Ministers did not see that in furthering these objects they were taking the best, and indeed the only, means of securing their own position. If they took from election after election that which alone could maintain the interests of their supporters, their fall was inevitable. The shortening of the duration of Parliament was also a most essential object. It was his sincere desire to maintain the present Ministers in office that induced him to press the acquiescence in these propositions so earnestly upon them. In the meagre Speech from the Throne, room had been made for a paragraph recommending to the serious attention of Parliament the state of the province of Lower Canada, and he had thought that the mover and seconder of the Address might have shadowed out some means of making known the purpose of her Majesty's Ministers in this respect. He wished they had informed the House what was the nature of the means of conciliation which it was intended to adopt; and he thought that Ministers were bound to be explicit on this point, after the failure of the attempt to carry into effect the resolutions of the last Session. Did they think, by such resolutions, to terrify Canada? They had endeavoured to follow the advice which had been given by the Commissioners. These Commissioners had said, that Canada would yield, if the resolutions were carried in the Parliament of this country by a large majority. But what was the result? They had excited, by these means, a flame in Canada which nothing else could have effected—an excitement which existed to a degree in which it had never existed there before—an excitement which had raised almost the standard of rebellion. He wished, therefore, to know of what nature were the measures which Government held out as the means of conciliating this province, in order that the House might be thus guided in its opinions as to the likelihood that those measures would prove effective. There was another question, in reference to which her Majesty stated, "I place unreservedly at your disposal those hereditary revenues which were transferred to the public by my immediate predecessor; and I have commanded that such papers as may be necessary for the full examination of this subject, shall be prepared and laid before you." All this led him to believe, and he sincerely hoped it was the case, that the duchies of Cornwall and Lancaster would be included in the number. He hoped that it was the case; but if from the words used at preceding periods present intentions were to be interpreted, then would these revenues be withheld; and he could not but remind the House, and the Gentlemen who were then present, that when this question was first agitated in the commencement of the reign of William the Fourth, how great was the disappointment when the Government declared that the duchies of Cornwall and Lancaster should be reserved. He wished, then, to be informed what was the meaning of the paragraph in her Majesty's Speech which he had quoted? Were these revenues to be retained for the purpose, he would say, of mismanagement and of plunder? For there was no other interpretation which could be given to the tenure of the property as it now stood. With respect to the civil list, he was not one of those who wished to see it swelled with sums of money which were not applied to the Sovereign's own use. He wished to see her Majesty liberally provided for, and, therefore, had not the least objection to that part of the Address which pledged the House to provide liberally for the Queen. Ministers, however, had a most important duty to perform with reference to the future interests of the country. The settlement of the civil list would now rest upon a principle totally different from that on which the civil lists of George the 4th and William the 4th rested. The question arose, by what test should they measure the amount which they ought to give—that Ministers would bear in mind the changes which had taken place in the civil list since it was first formed, owing to the circumstances of the country, and the state of the currency. The whole question required great consideration, involving, as it did, an alteration or addition which might be made in the condition of her Majesty at no distant period. It was essential, that measures should be taken to prevent any recurrence in the new reign of the demands which had been made in the reign of George the 3rd, for the payment of large arrears of debt by Parliament. This had been a practice in every way bad, and tended only to increased extravagance. He would repeat his entire concurrence in the expression, that they should deal liberally with the Crown. In the arrangements to be made, it was desirable that the public establishments of the country generally, should take their scale in proportion with that fixed for the Crown. He had no hesitation in saying, that the reward of public servants generally, though much reduced within the last seven or eight years, had not come down to that level at which they ought to be in comparison with the condition of the country. He had hoped, that in this Speech there would have been some reference to economical plans connected with the military establishments of the country. He had never yet found that any ministry, Whig or Tory, if they had any good measure to propose in the course of the Session, were at all backward in coming forward with it in the Address. The expression was somewhat Irish—a little bull; but he again wished to know, if there were any hopes of a reduction of taxation—of reduction in the enormous military establishment which preyed upon the country, either as regarded the number of privates or the number of officers? Was there to be any reform in the system of promotion in the army or navy? Those details were essential matters; and to bring them forward was only to act a friendly part towards her Majesty's Ministers. Gentlemen on the other side of the House were no doubt perfectly satisfied with the course which events had taken. They had succeeded admirably so far, but he wanted her Majesty's Ministers to take those steps which should put it out of the power of the Gentlemen opposite ever to resume the reins of power. He fully believed they never could, unless Ministers forgot the power which they possessed, and neglected to employ the very means by which they were to be kept in their position. He doubted the policy of his hon. Friend in taking the sense of the House on his amendment, and he would state his reasons for doing so. At the same time he should vote with his hon. Friend if he persisted. The question of the ballot was one which ought not to be decided by a side-wind. The extension of the suffrage also required much consideration, as did that of triennial Parliaments. From the speech of the noble Lord at Stroud, he augured that a shorter duration of Parliaments might become a mooted question, and he wished the arguments on it to be brought forward as a separate question. Agreeing, therefore, in the sentiments of his hon. Friend, he doubted whether justice would be done to the questions under consideration by the present mode of proceeding. He thought that the notice of the hon. Member for the City of London ought to have satisfied his hon. Friend that the question of the ballot would be fairly considered, and that the notice of the hon. Member for Southwark, who intended bringing forward a conjoint trio of measures, would give ample opportunity of fully discussing the different subjects now under consideration; though he agreed in sentiment with the hon. Member for Finsbury on all the three questions, he doubted much the propriety of bringing them forward on the occasion of moving the address. He would again therefore recommend his hon. Friend not to go to a division.

Mr. *Grote* said, he wished to say a few words on the subject of the amendment proposed by the hon. Member for Finsbury, and though a portion of what he was about to state had been anticipated by the hon. Member for Middlesex—he meant to say, the hon. Member for Kilkenny, Mr. Hume—nevertheless he thought it his duty to make a few observations on the same subject. In the substance of every one of the three amendments which were proposed he heartily concurred, and most assuredly if either or all of them were pressed to a division, he should vote for them; for though he condemned the introduction of them at that moment, as the very reverse of opportune or seasonable, yet he could not so far disavow the principles he had so long entertained as to refuse to support them under whatever circumstances they might be introduced. He did not approve of questions of the importance referred to in the amendment of the hon. Member for Finsbury being disposed of incidentally. He considered that, supposing even the Cabinet were inclined to support the extension of the franchise, or measures similar to it, yet they might feel it to be their duty to oppose them under the manner and in the circumstances in which the propositions for entertaining them were now brought forward. With a view to the ultimate success of such measures he requested of his hon. Friend not to adopt means which in his opinion were not calculated to further that success, by pressing either or any of the subjects to which he had referred to a division. It was his opinion that the most important of all the topics to which the attention of her Majesty's Ministers could be drawn, and the most pressing of all grievances, was the state of the representative system, and that it was not only in itself a very great and important grievance, but also because it was a source of weakness, where they ought to have a redress for all other grievances. He said this had been demonstrated by the result of the late elections, and that the ballot was required to sustain a Reform ministry. How did the balance of parties stand in the present House? Was it not notorious that no measure adopted by that House could be passed if not approved of and countersigned by the right hon. Baronet, the Member for Tamworth, and the Gentlemen who acted with him? Was it not plain and undeniable that the party opposite had the power of defeating any projects of reform which her Majesty's Ministers might entertain, and that party disapproved of? The result of the present system virtually was, to give to the right hon. Baronet a veto upon any measure which her Majesty's Ministers might propose of a reforming character. This was a painful conclusion. The hon. Gentlemen opposite might laugh; but this he said, was painful to him and all those who held his principles. They could not make a matter better by disguising the painful truth from themselves, nor ought they to picture to themselves a majority which might fail when the moment of trial came. Hon. Gentlemen opposite possessed a negative upon all substantial reform. The Conservative principle was really predominant in Parliament, and when he said Conservative he meant the negation of all substantial reform. It was in that way that he understood that the Conservative was the predominant principle in the present House of Parliament. If this result had arisen under any system of representation which would take the means of collecting the fair consent of the people to it, then he should bow most submissively to it, however little it might coincide with his own opinions. But this he said that there was no pretence for asserting any such thing. He could not consent to take the votes of tenants and tradesmen dictated to by landlords and overawed by customers as the free opinions of willing citizens. He could not consent that any such proceeding should be passed upon him as the expression of the people of England. He said that the public of England were at least a reforming public, and if their sentiments had been fairly collected, the result would have been such as those opponents would have little reason to rejoice in. He knew that hon. Gentlemen opposite might deny this; but if they did so, he invited them to a trial—he challenged them to give him a system which would express the opinions, he did not say of an extended, but of the existing constituency; and if they did that he asserted that the parties in Parliament would be very different from what they were at that moment. Did they doubt his assertion? Then he invited and challenged them to the trial. It would, he thought, be very unjust to charge upon her Majesty's Ministers the defects of the Reform Bill. He, at least, did not intend to be guilty of such injustice; but this he did say, that when they had the experience of the last few years before their eyes, and if they still adopted it as a final, complete, and unimprovable measure, then he must say that they consented to the present distribution of political power, and they acquiesced in that representative system which deprived them of the power of executing their reforming intentions, unless such intentions met with the approbation of the right hon. Member for Tamworth. That was their position at present, and it was impossible to escape from the conclusion that they must understand the exact situation in which the voters were placed, and it was for them to determine whether they would sanction a system by which the aristocracy usurped the electoral power of the kingdom. Though he was far from reproaching them for the defects of the Reform Bill, yet, when they were now acquainted with them, if they resisted improvement in the Bill, no other conclusion could be come to but that they approved of the relative power which was now established between the Tories and between the Liberals. Under present circumstances, however, he felt it to be his duty to request the hon. Member for Finsbury to withdraw his amendment: he did so from the sincere desire to support every measure embodied in the amendment; and he now put forward the request because he was convinced that, if complied with, it would be forwarding the hon. Member's own views. There were many other things to be noticed with respect to the Speech, of which it might be said, that it was more remarkable for its absence from good than for the presence of it. He could not but sympathise in the sentiment of the hon. Member for Kilkenny, that never was there a more unmeaning or unpromising speech delivered from the Throne. There was very little of information in it, and there was more food for their fears than their hopes to be found in it. He had now one remark to make with respect to the Speech which had been delivered by the noble Lord who moved the Address. That noble Lord hadsaid, with reference to the civil list to be provided for her Majesty, that if a liberal provision were not now made for her, Parliament might hereafter be called upon to pay the debts which she had contracted. Against the system of paying debts previously contracted—against the system of Parliament being so called upon to pay them—he formally protested. He never should sanction any such proceeding. It appeared to him to be inconsistent with what was right; it appeared to him not to be consistent with morality. When the country provided for royal personages and did so upon a proper scale, those exalted personages ought to set an example to the community of living within their income, and of not exceeding it by their expenditure. He trusted, then, that neither with reference to royalty itself, or to any relative of royalty, would any proposition for the payment of debts previously contracted be made from the Treasury bench.

Mr. *Liddell*, as one of those Conservative Members whom the hon. Member for Finsbury had charged with having fraudulently deluded the people at the late election by false professions, could not help making a few observations on that hon. Member's speech. He denied his charge. In the first place he had always thought and said that the Ballot was one of the greatest delusions ever practised on the public. As to the extension of the franchise, he and those that agreed with him were ready to stand by the enactment of the Reform Bill. They did not wish to disturb it; and as to annual Parliaments, when they reflected that there had been no less than five Parliaments within seven years he could not consider that it was a change required by the public convenience. With respect to the malt tax and the currency question, the hon. Member was equally at fault; for the decision of the House on a former occasion sufficiently proved what was likely to be the fate of any future measure for the repeal of the malt tax, as it also proved the sentiments of the House on the subject of any attempt to disturb the currency. He thought that the expectations of hon. Gentlemen were rather exorbitant if they hoped for the accomplishment or perfection of any measures from Ministers who had held the reins of power for so long a time without, in fact, doing any thing for the public benefit. They could not but be disappointed if they hoped that the Ministry of her Majesty would pursue any other course than that they had done. The hon. Member for Kilkenny had alluded to the Address which that House sent up in the year 1833, and he also alluded to the Reform Bill. He should allude to that Address, but with a different purpose from that of the hon. and learned Gentleman. In reference to it, he would beg to call the attention of the House to that part of it which pledged them to the maintenance of the Protestant Established Church of Ireland, and to the protection of the Protestant religion in that country. He (Mr. Liddell) did not intend to enter into the wide field of Irish politics, for such was his respect for those who were the conductors of the government of Ireland that he did not think it necessary to expatiate upon those irritating topics, yet he could not refrain from calling the attention of her Majesty's Ministers to the peculiar position which they at that moment occupied. At the late elections in this kingdom, in despite of that influence which was denounced by hon. Gentlemen who supported the ballot, in despite ofall the influence on the part of the administration, and in despite of the unconstitutional use of the name of the Sovereign, in despite of the popular topics employed by Gentlemen who professed extreme opinions, such topics as vote by ballot and the extension of the suffrage—in despite of all the circumstances which were brought to bear in favour of Ministers, England had maintained its character in returning to Parliament those who were decidedly favourable to and the supporters of, Conservative principles. As to the Reform Bill, he believed that the main view in passing it was that of beating the Conservatives to the ground, and maintaining the opposite party in their seats upon the treasury benches; that he believed was the object of the Bill, and he did not wonder at the disappointment expressed by hon. Gentlemen opposite, and they therefore wished to put upon other grounds than what was the real fact the manner in which the feelings of the people had operated in England. Even under the Reform Bill, which was not intended to convey a fair representation of the opinions of the people, means had been found for securing good government; and so it was that, according to the provisions of the Reform Bill, the people were able to exercie the franchise and contribute to the advantage of the country. The result he was happy to perceive in the number of Conservatives to be found on that side of the House. England had upon the returns declared its want of confidence in her Majesty's Ministers. They had, too, been tried in the balance in Scotland and had been found wanting; for there they had not gained. It was, then, in Ireland alone, upon the Irish returns alone, at the head of which was the hon. Gentleman, the Member for Dublin, that her Majesty's Ministers could look for the means of carrying their measures in that House; therefore it was that he wanted much to know what the measures were upon which Ministers depended for that majority. Though the address did not contain anything upon the subject of the Established Church as the address of 1833, yet he was happy to say that, at least, there was nothing in it which threatened the Church with injury. The address of 1833 avowed a determination to afford every security to the Protestant Established Church in Ireland, and the true interests of her religion; it also declared their anxiety to maintain the Protestant clergy in the full possession of their rights, and to provide for the due maintenance and repair of the ecclesiastical fabrics. The people of England looked with great anxiety to this subject, as they were determined to maintain the united Established Church, and not to suffer that church or its clergy to be deprived of any of its just rights, either by the mischievous machinations of Ministers, or by the open violence of their avowed supporters. An hon. Gentleman opposite (Mr. O'Connell) had lately addressed the clergy of Ireland, and he thought proper to refer to them in language which was different from that in which he usually referred to them. He knew not whether the letter of the hon. and learned Gentleman had been put forth as a feeler on the part of her Majesty's Ministers, or if they were prepared to act upon that plan, which he regarded as objectionable in many respects. He did not know how or with what sops the hon. Member had been propitiated; he supposed there was universal patronage given to him—he supposed that the political Cerberus was allowed to keep the key of office in his hand.

The *Speaker* intimated that the language used was not strictly parliamentary.

Mr. *Liddell*: if he had in any manner trespassed beyond the order of debate, he apologised to the House for having done so. He considered that the support of the hon. Member was secured by some mode or another; but he did not mean to impute anything corrupt. It was to that support the ministry looked, and he now wished to know from them if they intended to throw over the Protestant Church in Ireland, he wished to know if they intended to maintain it in its efficiency and usefulness? It had pleased the hon. and learned Member for Dublin to dissolve his Irish Parliament; he possessed in this more than a royal prerogative. He did not know why the hon. Member had done so; but he had no doubt that it was in consequence of some communication that he should receive a *quid pro quo* from her Majesty's Government. He wished to know from the Ministry how they meant to carry on the Government with the qualified support of the hon. and learned Member for Dublin. Upon the questions that he had asked of them he hoped they would speak out to the satisfaction of the House.

Colonel *Perceval* felt called upon, peculiarly called upon, to protest against the terms "domestic tranquility" being applicable to that portion of the empire with which he was connected. He had the honour of representing the county of Sligo, which was the scene of sanguinary tragedies that were almost a matter of daily occurrence. He felt it to be his duty to reserve to himself the power of impugning her Majesty's Government, especially with reference to their "domestic tranquility" in Ireland. He should not disgust that House by entering into details in proof of the protest which he felt it to be his duty to make. He had no intention of withholding his vote from the motion of the noble Lord, the Member for Morpeth, but he felt it to be his duty to protest against the language used in the address being applicable to that portion of the empire which it grieved him to say was a disgrace to any civilised state.

Lord *John Russell :* I fully acknowledge the right of every hon. Member of this House to question her Majesty's Ministers with respect to any explanation which the Speech from the Throne may require. I must at once say, that while I am ready to afford any explanation that may be demanded with respect to the Speech itself, I am willing to admit that the reproach is well founded, if it be a reproach, that the Speech was framed with a view to prevent any adverse discussion; and if it be a fault then the fault is ours, that on this the first day, when Queen Victoria was to meet her Parliament, we were anxious, in the divided, and balanced state of parties, to avoid bringing forward questions upon which it might be necessary for Gentlemen, in vindication of their own consistency, and in justice to their previously recorded opinions, to raise angry discussions, and, further, to carry them to a division. We did think that on such an occasion, it was desirable that the Queen should receive, if not an unanimous, at least a nearly unanimous, address from this House, and that our expressions of loyalty to the Throne, and attachment to her person should not be marred and disfigured by being mingled with questions upon which opinions are known to be divided. If this be a fault—if this be a crime in her Majesty's Ministers—then we are certainly guilty of that crime, and we framed the Speech in accordance with those opinions. I come, now, Sir, to my own personal consistency, which the hon. Member for Finsbury, in moving his amendment, attacked, and more especially with respect to a speech made by me in the year 1835, from which speech he quoted a sentence which I think does not bear him out in that reproach. He said, that I stated at that time, "that by maintaining in our address certain principles and certain measures, we should avoid the reproach of pusillanimous weakness on the one side, and of inconsiderate rashness on the other." And what is the proposition that the hon. Member for Finsbury makes? That we should have put into the Speech from the Throne—the ballot first, next the extension of the suffrage, then the shortening of the duration of Parliament, next the consideration of the Corn-laws, and then an alteration in the laws affecting primogeniture. If, Sir, we had introduced all these topics into the Speech, "inconsiderate rashness" would have been the phrase very properly applied to Ministers by every Member of this House. The circumstances of 1835 were circumstances exceedingly different from the present. The circumstances then, were these:—Lord Melbourne was engaged at the head of the Ministry with plans and measures of reform which were thought by them to be expedient, when he was dismissed from his late Majesty's councils; and on the meeting of the new Parliament we did think it necessary that the measures which we thought were proper for the adoption of Parliament ought to be stated in the Address. Were there any of the measures which we then proposed so exceedingly different from the measures which we afterwards supported? One measure was the Municipal Reform Bill in England. We proposed to introduce popular control amongst the Municipal Corporations in England. Have we not kept that pledge? Is it not now the law of the land? And are we now to have the accusation brought against us of having abandoned that portion of our Address? With respect to another part of our measures, it was said that we ought to remove the grievances of the Protestant Dissenters. Now with respect to the grievances of the Protestant Dissenters, I maintain that the measure of registration and marriages is in part a redemption of that pledge—it is a removal of two out of the five points of which Dissenters complained. With respect to "the removal of the abuses of the Church, impairing its efficiency in Ireland, and lowering its character in both countries;" likewise mentioned in that Address, the first part of the question relates to England; and I must say to Gentlemen, who, like the hon. Member for Kilkenny, entertain the most friendly disposition to her Majesty's Ministers, that in giving us friendly advice they convey it in such a way that it is difficult for us to shape our course so as to meet their peculiar views. He has asked me to-night whether I had any measure to propose like that which was proposed two years ago with respect to pluralities and preferments in cathedral chapters. I am ready to propose such a measure—indeed I might have hoped to have carried it before this time, if it were not for the strong opposition which the hon. Member himself made to it. It is my intention to introduce the measure again; there may be an alteration in some of the details, but with respect to the principle of the measure, I shall adhere to that principle. I consider it to be a very useful and efficient measure of reform, although it may not meet the extended views of my hon. Friend. But what said he with regard to this measure? That it was not sufficient, that it was not right to correct something, and therefore he left the whole uncorrected. There was another measure relating to the Church—the question of Church-rates. We brought forward that question, and supported it to the best of our abilities, in this House. It did satisfy the Dissenters, and I thought it did so fairly; because it did not deprive the Church of revenues which it had reckoned upon previous to the introduction of that measure. It met with very great opposition, with such opposition in this House, that it would have been useless to have thought of its becoming the law. Well, for proposing this measure it was said that we were bad tacticians, that we ought not to have offended the Church; that it was impolitic to do so; and this was the language addressed to us, and which I can show to the hon. Member, not only in newspapers, but in reviews and other publications, speaking the sense of the extreme reformers. Thus they find fault with us, first, because we are moderate, and secondly, because we are imprudently violent. Did we not know that we differed from the heads of the Church before we brought in such a measure? Did we not know that in them we encountered a powerful opposition? We did encounter it; because we thought if the measure were supported by popular opinion, it would have settled the question of Church-rates in a way that would have been satisfactory to the Dissenters, and in a way, too, that we thought would not be injurious to the Church. An hon. Gentleman opposite has asked me a question. He certainly is not long a Member of this House, and I do not know in what part of the country he has been residing; but he has asked whether we mean to support the Established Church? Sir, I have never ceased to say that I am a supporter of the Church Establishment, and I did consider, and still do consider, that if you wish to maintain the great foundations of the Establishment, the more you do to prevent dissensions and bickerings between the Church and those who differ from her doctrines, the more secure will that Church be. And though men may divide from her doctrines and men may differ from her in opinion, yet still they will regard that Church with respect, and almost with affection, as the means of diffusing religion in this country. It is impossible to say that the measure respecting church-rates which I introduced last year can now be brought forward immediately with any prospect of direct success; but the measure which I did propose last year, namely, a Committee on the subject which should look into all its details—which have been, I will not say misrepresented, but upon which there has been much misunderstanding and difference of opinion — a Committee which should look into the whole of the question, and which should enable Parliament and the country finally to decide upon it, and by so deciding it to get rid of those questions which divide Churchmen and Dissenters with more virulence than any other, and which produces injury to the Church itself and the cause of religion in general—such a Committee it is the intention of her Majesty's Government to propose. The hon. Member who moved the amendment has brought forward questions which have also been dwelt upon by other Members, and he has asked me whether I will support them. He has mentioned the question of the ballot—he has mentioned the question of the extension of the suffrage, and the question of triennial parliaments. These he has brought forward in three separate amendments, all forming parts of the same measure. He has put his powders into three separate papers, as portions of the same medicine. I am not going now to enter into the reasons and arguments with which each of these measures may be supported or opposed,— I will not enter into the discussions of the question generally, but I am bound to give some explanation of my views with regard to the Reform Act in relation to my present position. I cannot conceal the disadvantages and the injuries to which the Reform Act is subject. I admit that at the late elections corruption and intimidation prevailed to a very lamentable extent. I admit that some parts of the Reform Act are the means of making it a source of great vexation to the real and *bonâ fide* voter. I admit that with respect to the registration of voters in particular, great amendments may be made. But these are questions upon which I consider Parliament should always feel bound to be alive and attentive to see that the Act suffers no essential injury, and that any errors in the details which might be made in the commencement might be afterwards remedied. But these are questions which are totally different from those now brought forward, such as the question of the ballot, the extension of the suffrage, and triennial parliaments, which are, taken together, nothing else, but a repeal of the Reform Act, and placing the representation on a different footing. Am I then prepared to do this? I say certainly not. With respect to the question of the registration, I am ready to bring forward some measures to amend it, or rather my hon. and learned Friend, the Attorney General, will bring forward such a measure. The matter has been frequently under discussion in this House. I proposed some amendments myself last year, and if any further facilities can be given by me I shall feel it my duty to afford them, and more particularly upon the subject on which I introduced the Bill of last year, namely, the payment of rates. But I do say that having now only five years ago reformed the representation, having placed it on a new basis, it would be a most unwise and unsound experiment now to begin the process again, to form a new suffrage, to make an alteration in the manner of voting, and to look for other and new securities for the representation of the people. I say at least for myself, that I can take no share in such an experiment, though I may be, and indeed must be, liable to the somewhat harsh term of the hon. Member for Kilkenny. I must explain, however, in what sense I consider myself bound with regard to the Reform Act. When I brought forward that measure it will be recollected that the cry was that it was too large, that it was too extensive; and those who were Radical Reformers were upon the whole much better pleased with it than those who were moderate Reformers. But it was the opinion of Earl Grey, an opinion stated by him in the House of Lords, and an opinion stated repeatedly by Lord Althorp in the House of Commons, that it was safer to make a large and extensive measure of reform, than a small measure of reform, for this reason, that in bringing forward the extensive measure we might be assured that we were bringing forward one which might have a prospect of being a final measure. Do I then say that the measure is in all respects final? I say no such nonsense. Do I say that the people of England are deprived of the right of re-considering the provisions of that Act? I say no such folly. I maintain that the people of England are fully entitled to do so, if to the people of England it shall so seem fit. But I am not myself going to do so. I think that the entering again into this question of the construction of the representation so soon would destroy the stability of our institutions. It is quite impossible for me, having been one who brought forward the measure of reform, who feel bound by the declarations then made, to take any part in these large measures of re-construction, or to consent to the repeal of the Reform Act, without being guilty of what I think would be a breach of faith towards those with whom I was then acting. If the people of England are not of that mind they may reject me. They can prevent me from taking part either in the Legislature or in the councils of the Sovereign; they can place others there who may have wider and more extended, more enlarged, and enlightened views, but they must not expect me to entertain these views. They may place others in my situation, but they must not call upon me to do that which I not only consider unwise, but which I should not feel myself justified, without a breach of faith and honour, in proposing. The hon. Member who moved the amendment has asked, among other questions, whether a coalition is intended? I am sure I can only say I know nothing of such a coalition; I have no such intention, and I know nothing of any such being intended. This is the only answer I can give. The hon. Member for Kilkenny has asked some questions not having reference so much to the amendment but to the Speech which has been delivered from the Throne, with regard, for instance, to the duchies of Lancaster and Cornwall. I think it is clear, from the words of the Speech, that the surrender made by her Majesty is precisely the same as the surrender made by his late Majesty, and it goes that length and no farther. I do not deny that evils have arisen consequent upon the annexation of these Duchies to the Crown. One of these evils is that it has given rise to an unfounded notion as to the extent of the revenue derived by the Crown from these Duchies; and, in the second place, to their being less open to public inspection, less open to the knowledge of Parliament, than other branches of the Crown revenue, and because also probably the expenses of their administration have been greater than those expenses ought to be under a well-conducted management. I propose to get rid of both these evils by producing accounts, properly audited, relative to these revenues and their management, by producing them periodically to Parliament, and thus supplying information both as to the amount of the revenue of which the Crown is seised, and of the management to which it is subject. I think, if we had proposed a total surrender of these Duchies, hardly any advantage would be derived from it, because I take it for granted that a majority of this House, a very great majority, seeing that her present Majesty upon ascending the Throne has not inherited that personal property which nearly all her predecessors have derived from the time of George the Second down to her accession—that she has lost those revenues derived from the Kingdom of Hanover, which have been enjoyed by our Sovereigns for 120 years, would not wish to take the revenues of these Duchies, even by surrender, without providing a fair and honourable compensation. I do not think it is the wish of the House to place her Majesty in a much worse position than any Sovereign who has gone before her; and I think that when my right hon. Friend brings forward the question, that it will be found rather better to keep to the ancient settlement of these Duchies than to give a sum of money in lieu of them, by which the public would not be gainers, and an unnecessary innovation would be made. With respect still further to the Civil List, it is the intention of my right hon. Friend, the Chancellor of the Exchequer, of which, indeed, he has already given notice, as early as Thursday next, to propose to refer all papers on this subject to a Select Committee. Before that Committee the whole question of the Civil List will come, and they will be put in possession of all the information which it is in the power of Government to give them. I have no doubt but that a Committee of this House will treat the subject with perfect fairness; that there will be no disposition on any hand to withhold what is due to the honour and dignity of the Crown; and I trust it will be anticipated on all sides that we should not propose any unnecessary expenditure, or anything that we cannot justify by reasons adduced before the Committee. The hon. Gentleman who spoke last referred to some undue influence which had been exercised at the late elections by her Majesty's Government. As I am without any particulars on the subject I can only give a general denial to his general assertion. I hope the hon. Gentleman, on the other hand, is fully prepared to deny all those rumours which have appeared in the public papers that he was the bearer of a certain letter addressed by a landlord to him, in which he was desired to report the conduct of the tenants, and to see whether or not they had complied with their landlord's wish on the subject of the election. The hon. Member I am sure is too well conversant with the constitution of this country and the resolutions of this House not to know that such interference is extremely unwarrantable; and I am persuaded, and more particularly from what the hon. Member has said this evening, that he never was the bearer of such a letter. The hon. Gentleman has made another allusion to the present Ministry: he said he was not surprised that there was nothing in the Speech, because the present Ministers had done nothing. I am not going to detain the House; indeed it would be very offensive in me if I detained the House, with recounting the measures which I consider entitled to some approbation on the ground of being useful; but I will refer him to a better authority as to what Parliament has done—I will refer him to the very eloquent Speech made at Glasgow by the Lord Rector of the University there, to a numerous body of hearers, detailing the very important measures which within these few years have passed through Parliament. Within the last few years all these measures have been passed under the auspices of a liberal administration, and therefore, I hope that in future the hon. Member, before he throws out taunts to this side of the House, will learn the language of his leader, and will consult the much wiser and better opinions of his chief, instead of giving us his own. By representing us as having done nothing, he will, at the same time that he contradicts us, totally contradict the assertion of him whom he wishes to follow in this House. There was one other particular subject mentioned in the course of the debate, into which, however, I will not now enter—I allude to the subject of Canada. I do not consider it necessary to state the course which I mean to propose, as I think the attention of Parliament is called to the subject in a manner from which no hon. Member can dissent. I will only say that it is a subject which deserves the best consideration of Parliament, and which must always possess a deep interest. I thank the House for the attention which has been shown me on this occasion. I feel bound to give my decided opposition to the amendment of the hon. Gentleman, and I hope he will listen to the advice which has been given, and not divide the House. I do not think that any large number will vote with him; but I hope that on this occasion we shall carry to her Majesty the unanimous expression of our gratitude.

Sir *Robert Peel:* Sir, I have frequently, on an opportunity like the present, taken an occasion to express my opinion, both when in office and when in opposition to the Government, that it was not convenient on the first day of Session to call upon Parliament to give pledges upon any subject. I have expressed that opinion because I think it unfair, Government being naturally and necessarily in possession of the measures which they mean to propose, to invite Parliament, which had not the same cognizance of those measures, after, probably, only a debate of two or three hours, to express an opinion upon subjects of the deepest public interest. The opinion thus expressed on former occasions I still retain. Had the Throne been filled by our late Sovereign, a Sovereign advanced in years, I should have maintained the same opinion. Had it been thought desirable to call upon Parliament for pledges on any particular question, I should have urged the absolute necessity, in point of justice, of reverting to the ancient practice, and of giving to the House, so called upon to express an opinion, at least an opportunity of deliberating for forty-eight hours. But I think, considering the multiplicity of measures necessarily alluded to in the Speech from the Throne, that it is infinitely better for the Crown to content itself with indicating the general measures which it means to propose, and so to word the Address that we should be enabled on the first day of the Session to concur in the Address without any compromise of opinion. If I should have felt the force of this opinion under ordinary circumstances, I do feel, considering the circumstances of the present time, considering that this is the first occasion on which a Queen of so early an age has addressed her Parliament, that the opinion to which I have referred acquires extraordinary and peculiar force. I cannot refer to the concluding paragraph of that Speech, in which her Majesty states that the early age at which her Majesty is called to the sovereignty of this kingdom renders it a more imperative duty that, under Divine Providence, her Majesty should place her reliance upon our cordial co-operation—I cannot hear those expressions fall from the lips of the Queen of this great empire, addressing Parliament for the first time, without anxiously availing myself of the means of concurring in the Address in reply to the Speech from the Throne, and of tendering to her Majesty an assurance of loyalty, and of my desire to afford the co-operation which she asks. I give to that Address, therefore, my acquiescence, my entire and unqualified acquiescence, because I must say, independently of my desire on this occasion to avoid the appearance of a contentious debate, and still less the necessity of dissent, certainly the Address itself is so worded that he must be very critical and captious indeed who could find occasion to object to it. But at the same time it is right to say that I reserve my opinion on every measure to which the Address makes allusion. I cautiously abstain from expressing or implying any pledge upon any measure noticed in the Speech from the Throne. I disclaim any acquiescence in the facts there stated, and I disclaim any necessary implication that because I concur in the Address I concur in the opinions which it may be presumed to express. I shall, therefore, acting upon the principles I have avowed, and looking at the terms in which the Address is proposed, feel the greatest satisfaction in giving my acquiescence, an acquiescence which but for the speech of the hon. Member for Finsbury would probably be unanimous. Apart from the considerations to which I have referred, it would clearly be quite impossible, with any beneficial effect, to enter upon a discussion of the various measures which are noticed in the Speech from the Throne. The affairs of Canada, the question of the Civil List, the state of Ireland, and the questions connected with it are so different, that it would be ill-advised and ineffectual to attempt to include in one discussion those various and important measures. As far as the Civil List is concerned, and I will refer to no other subjects than those to which the noble Lord referred, I do not feel called upon to express any positive opinion; but I do not hesitate to say that I have heard with satisfaction that it is not meant to abandon the revenues derived from the Duchies of Cornwall and Lancaster. The noble Lord classed these two Duchies together; but I apprehend that in point of law there is a material distinction. The revenues and privileges of the Duchy of Cornwall are held by the Crown as trustee, whereas over those of the Duchy of Lancaster there is a more direct and immediate control. I do not notice this distinction for the purpose of establishing any separation, because it is unnecessary, and I will only add, that I rejoice that all those ancient titles should be preserved. Upon the particular matters of detail to which the noble Lord has referred, with respect to the administration and management of the revenues of these Duchies, I shall reserve my opinion upon those points until I hear further explanations and reasons for the course proposed to be pursued. I am, then, under these circumstances, called upon to decide whether I shall vote for the amendment proposed by the hon. Member for Finsbury. That amendment appears to have been proposed under the impression that her Majesty's Government was composed of what the hon. Gentleman calls "squeezable materials," and I have not the slightest doubt that this is the object of the amendment. The hon. Member did not hope that the House would be induced to acquiesce in that amendment, but he did hope that by the pressure of the conjoint trio by whom the amendment was supported, the noble Lord, who was the immediate representative of the squeezable materials, might be induced to give some satisfaction on the points on which the hon. Member for Finsbury was particularly anxious. I certainly rejoice that the noble Lord has defeated the expectations of his hon. supporters; for with respect to the Reform Bill, which the hon. Member for Finsbury considered of such vital importance, the noble Lord has not shewn himself to be composed of such squeezable materials as the hon. Gentleman anticipated. The noble Lord objected to take any one of the powders which the hon. Member for Finsbury had prepared for him. Indeed the noble Lord had altogether rejected what had been so kindly offered to him, and the hon. Member for Finsbury, as far as the noble Lord was concerned, had entirely failed in producing what he might naturally infer would be the result of his powders. But the hon. Member for Finsbury will, I apprehend, persist in his amendment, and take the sense of the House. I know perfectly well that the hon. Member for Finsbury considers that the country ought to be aware of the opinions of their Representatives. The hon. Member, therefore, acting in consistency with his own opinions, will of course compel the House to declare, whether it concurs with him or not. I am certainly surprised, at the same time, that the amendment falls so far short of the hon. Member's intention. It is an incomplete amendment, because the hon. Member says the country is gasping with impatience to hear of an alteration in the Corn-laws, and of the amendment of the law of Primogeniture. And yet the hon. Gentleman disappoints the country of these reasonable expectations; for though he has three separate amendments, in no one of them does he touch these two important points, with respect to which he tells us that the country is gasping with impatience. How the hon. Member for Kilkenny could advise the withdrawal of those amendments I cannot conceive; for he states, that in the whole course of his experience, he never heard of any good measure being brought forward, unless it were included in the Speech from the Throne. There was, indeed, one exception, and that was in the year 1822, when we had an unreformed Parliament. The hon. Member for Kilkenny stated, that, with this single exception, he did not recollect another instance in which, unless it were expressed in the Address, a good measure was proposed. The hon. Member for Kilkenny will, therefore, see the necessity for pressing on his hon. Friend, the Member for Finsbury, who had already shown himself, with respect to the law of Primogeniture and the Corn-laws, to be backward in coming forward; and now the hon. Member for Kilkenny, whose words I have borrowed, is putting himself forward to keep the hon. Member for Finsbury backward. The hon. Member for Finsbury looked round him, and asked how it could be accounted for that the Reform majority had dwindled from 150 to 30? I will tell him how I account for it. Do not believe that intimidation or corruption has done it. Do not believe that intimidation and corruption, in the present constituent body, can produce any such effect. What! is that the opinion you entertain of the Reform Bill? Do I hear, in 1837, after all the predictions with respect to the satisfaction the Reform Bill was to produce, and the public confidence it was to create and maintain—do I hear now declarations that of all the grievances under which this country labours, the representative system is the worst? Do I hear it gravely asserted that the country is groaning, for that was the expression that was used? No less expressive a term would satisfy the hon. Gentleman to express the degree of dissatisfaction which the country felt. This is the language which has changed the public mind. The public is alarmed with the menaces of a new revolution. What was the expression of the noble Lord (Lord J. Russell)—the author of the Reform Bill?—He said, that the country could "not afford to have a revolution once a-year." What then must the people think? What must an intelligent people think of these changes and alarms of change which amount almost to a revolution once a year? They see an enormous change in the representative system, which they have reason to believe, from the declarations of the parties themselves, would be accepted, not as a final measure, because no measure can be said to be final and irrevocable; but that it was to be considered, as far as the declarations of public men of all parties could make it, a settlement of the question of Reform. We heard it said, that that experiment was made on an extensive scale, in order that it might be final. These were the arguments addressed to our anxieties and apprehensions. When we said that the change was too extensive, it was said, "We make the change extensive, in order to prevent new demands and changes." Five years only have elapsed, and you tell us that the people are not merely not satisfied, but that the great curse under which they labour is the present representative system. This is the language which has caused anxiety and alarm in the public mind—which, more than the acts of despotic sovereigns, has a tendency to prevent the development of free principles. Thus the people argue: "If England consented to part with that ancient system of representation which had at least the advantage of long prescription and established order; if England consented to part with this, and the chief advantage from it is, that within five years of the birth of the new system, it is seen to be an absolute failure—that it is declared to be a just cause of complaint and indignation, and the source of injustice; shall we again run the risk of making an alteration in the established order of things?" These are the inferences which the people draw from declarations of this kind with respect to the failure of this measure, which it was anticipated would be pregnant with satisfaction to the constituency, and of advantage to the country. It is this language—the threat one day to destroy the integrity and independence of the House of Lords, another to put down the Established Church which has alarmed the people, and produced the effects of which you complain. It was the assumption which is the foundation of all persecution, "I am right, you are wrong;" the assumption that because I do not agree with the hon. Member for Kilkenny, therefore I am to be denounced as unfit to be a representative; it is the fear that we are undermining the foundations of all other institutions in Church and State; it is not corruption and intimidation, but it is that rational, manly feeling of the people, that knows how to draw a just distinction between the sober correction of proved abuses, and the constant tampering with the institutions of the country—it is the resolution not to live in a constant state of political agitation, not to be made the tools of those who are dissatisfied with the result of their own measures, eliciting different expressions of opinion from their own supporters—these are the circumstances, since you apply to me for information, which have caused this change in public opinion, and which have made the majority of 150 dwindle down to an uncertain one of thirty or forty. I feel confident, not permitting the hon. Gentleman to put his construction on the reasons on which rests that confidence—I feel confident, notwithstanding the menaces of the hon. Gentleman, that we may trust to the sound deliberate judgment of the people of England to assist the most powerful minority which now sits ranged on the benches behind me in resisting the further progress of democratic change,—not the progress of rational, well considered, improvement, but the progress of democratic change, which is avowed as having for its object the altering the ratio of political power, and enabling one class of political opinions to acquire an overwhelming predominance. Was there ever such a reason given for change? "We find (says the hon. Gentleman, the Member for Finsbury) we have failed; the constituent body has deserted us; we fear, that another election or two will render that desertion complete; and, therefore, we call upon you, in order to recover and maintain our predominance, to cut and carve the constituent body to answer our purposes." I, for one, after the changes which were effected in the principle of representation in 1832, will not give my consent to any further change of the kind; but I feel perfectly satisfied, that if I were to give the hon. Mover a *carte blanche* to cut and carve the constituency as he pleased, my confidence in the good sense of the people of England is such that with whatever constituency he may form, he would still be in a minority. They may widen the constituency or shorten it—they may increase it as they please, but they will never be able to modify it so as to render it more in unison with their opinions. This is my opinion. I may be right, or I may be wrong; but, be that as it may, I am not prepared again to incur all those evils which must inevitably arise from the constant agitation of constitutional principles. I shall, therefore, feel it to be absolutely necessary to oppose the proposition of the hon. Gentleman opposite; and whenever any particular measure may be brought forward, whether of ballot or for the extension of the suffrage, I shall be prepared to discuss it in detail, and assign my reasons for not acquiescing in it. I entertain a perfect confidence, a confidence increased by the declaration of the noble Lord, that reason will prevail, and particularly with the experience of the last election in my recollection—that the institutions of the country are perfectly safe in the hands of the intelligent and enlightened people of this country, in whose hearts they are rooted, not more on account of their venerable antiquity, than their intrinsic merit.

Mr. *Ward* came down to the House intending to oppose, and, if called upon, to vote against the motion of the hon. Member for Finsbury; but he now felt bound to say, that if the motion were pressed to a division, he should vote in favour of it. He was induced to adopt this course, partly by the speech of the hon. Baronet opposite, but chiefly, he grieved to say, by certain observations which had fallen from the noble Lord, the Secretary for the Home Department, in the course of his speech. The noble Lord would find that he had disappointed the hopes of his best and fairest supporters, when he said that the ballot would be a repeal of the Reform Bill. By that declaration, the noble Lord had signed his death-warrant. For as election succeeded election it would be found impossible to carry on the representation of the country, limited by the propositions now laid down by the noble Lord, and then the term of his political career would be determined. He regretted that the noble Lord had advanced such a declaration on the present occasion, as he could assure him that there was a very strong inclination amongst all parties to carry the Address to-night without any division or amendment.

The House divided on Mr. Wakley's first amendment to the effect, "That this House embraces the earliest opportunity of respectfully assuring her Majesty, that it will in the present Session of Parliament take into consideration the state of the representation of the people in this branch of the Legislature, with a view to ensure by law an equitable extension of the elective franchise." Ayes 20; Noes 509: Majority 489.

We subjoin the List of the Ayes. The Noes being the bulk of the House need not be given.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Brabazon, Sir W.
Browne, R. D.
Bryan, G.
Butler, hon. Col.
Collins, W.
Dennistoun, J.
Duncombe, T.
Fielden, J.
Finch, F.
Grote, G.
Hallyburton, Lord D. G.
Hume, J.
Leader, J. T.
Vigors, N. A.
Ward, H. G.
White, A.
White, S.
Williams, W.

TELLERS.

Wakley, T.
Molesworth, Sir W.

Mr. *Wakley* said, it was not his intention to press his two other resolutions to a division. He was persuaded that the course which he had taken was not unproductive of benefit. Notwithstanding the declaration of the noble Lord that his three powders had produced no effect on him, he must be allowed to declare his opinion, that the first of them had operated most beneficially. The noble Lord should be the last person to complain of them if they were as beneficial to his constitution as they were favourable to the object with reference to which they were submitted. He was aware that the dose was a bitter one; but the noble Lord had managed to swallow it, and had in a manly spirit avowed his intentions with respect to the Reform Bill. The right hon. Baronet, the Member for Tamworth, had also made known his views on the same subject, and they certainly warranted the presumption which he had expressed at an early part of the debate, and proved that if a coalition had not in person taken place, there had been one at any rate in point of principle. His motion had certainly elicited this fact, that the leaders of the two aristocratic parties of the country, co-operated in principle on the subject of the Reform Bill. Now it would tend to place all parties in a more just position that those sentiments which they had heard should be divulged, for they demonstrated to the intelligent and right-minded people of this country that they should fight their own battle and advocate their own cause. They would see that they could place no reliance on that Assembly; and he would advise the people, instead of presenting petitions to that House, to submit them directly to the Queen. Whatever Gentlemen opposite might think of such a course, he hoped the people would lay their grievances immediately under the cognizance of the Crown, with such a disposition to prosecute their own business, as must ultimately secure their success. He could assure the noble Lord, as well as the right hon. Baronet, the Member for Tamworth, that the Radical party, for whom he might, he believed, be allowed to answer—were not desirous of destroying the institutions of the country. Yes, he repeated, the party to which he was attached had no desire to destroy the monarchy or the Established Church. On the contrary, they had at all times shown every disposition to preserve them. [Cries of "*Oh! oh!*"] Gentlemen might shout at that observation; their doing so was of a piece with their proceedings at meetings out of doors. It had been stated, and stated falsely, that the Radicals were desirous to destroy the Church Establishment. This was known not to be true. It was known that the measure of Ministers with respect to the Church Establishment was a purely Conservative measure, and was calculated to strengthen instead of injuring it. It was not his object to go into any discussion of that subject, or to discuss the resolution. He should submit it to the House, and the House would deal with the resolution as it pleased. It was not necessary to discuss it, for the people could not justly expect that House to support a proposition for extending the suffrage, seeing that the noble Lord at the head of the Government, and the leader of the Tory party, were in the same boat on this subject, and would sink or swim together.

The other amendments moved by the hon. Gentleman were negatived without a division. On the main question, that the Address be agreed to, Mr. *Harvey* rose and said, he was well aware how tempting a royal speech was to Members of that House in availing themselves of the occasion to speak upon almost every conceivable subject, and perhaps, if it had been his fortune to have arrested the Speaker's attention earlier in the evening, he might have been led to make some remarks beyond those which were warranted by the amendment he was about to propose. But he hoped still that it would be unnecessary to enter at any length into a statement in support of that amendment; because to a certain extent, the statement made by the noble Lord in answer to an inquiry from his hon. Friend, the Member for Kilkenny, had anticipated the introductory part of his amendment; and he would first read it to the House with a view to elicit from the noble Lord an answer to the passage with which it concluded; and if he found that answer, in one particular, as satisfactory, as in a great degree it was in another, he should not trespass upon the attention of the House, already so much exhausted, by a debate which could give little satisfaction; or upon its time, so much of which had been consumed, in a division which could give none. The amendment which he had to propose, was to the effect, "that whilst that House was desirous of making the most liberal provision for the support of the becoming splendor and the just dignity of the Crown, they felt that the same ought to be derived from obvious and direct sources, and that each and every branch of the hereditary revenues of the Crown ought to be placed, without reserve or exception, under the direct control of Parliament, as a sure means of protecting the Crown against exaggerated impressions as to their amount, and as a security against their misapplication—that in the arrangement of the Civil List, that House confidently relied upon her Majesty, for promoting a strict inquiry into the pensions connected with the recipients of state favours, that House feeling itself under the obligation of applying to such persons a test, similar to one recently adopted, and now in force amongst a less fortunate portion of her Majesty's subjects." The first portion of this amendment went obviously to carry into effect sincerely, and without reserve, the declarations of the Members of the present Government, when they were in opposition, with respect to the intentions of those whom they supplanted. The intentions of the late Sovereign, on this point, have been expressed in nearly the same words as the present, intimating the royal intention to forego all claims to the hereditary revenues of the crown entirely and without reserve. It could not have escaped the observation of that portion of the House who were present on that occasion, with what eagerness an hon. and learned Member, now a noble Lord, had insisted upon the construction of those words as being meant to comprehend the duchies of Lancaster and Cornwall. It was impossible to have heard what fell from that hon. Gentleman, and from the right hon. Gentleman then at the head of the Government, and to doubt what was the interpretation that was put upon the speech of the Sovereign. It would be recollected, also, that Lord Althorp, being then in opposition, interpreted the words in the same manner; and it would be recollected that it was the fervour of their zeal to establish economy and an efficient control over the public expenditure which mainly contributed to the triumph that placed those gentlemen in the position which they now occupied. It was very true that at a subsequent period when those individuals had changed places, and had made their professions of economy their passport to office, they found that they had placed a wrong interpretation upon the words—not that the words admitted of any other interpretation, but that, on inquiry, they found that a different meaning was intended to be conveyed. It was important that there should not now be any misunderstanding in this respect, for let it be remembered that this was the first reign in the memory of any living politician, in which the Sovereign had not reached mature years. In former instances, if any mismanagement were committed, there was a prospect that it might, at no distant period, be corrected; but now, as was probable, and if the feelings of the people could give effect to probability, it would be so—they were about an arrangement which no living person among them would live to see remodelled. It was of importance, therefore, that there should be no misunderstanding, and if he understood what the noble Lord had said, it was to this effect—that it was the intention of the Government to bring the revenues of the Duchies of Cornwall and Lancaster under the cognizance of that House, to be occasionally submitted to its inspection and control. If this were so, it would, to a great extent, meet the preliminary part of this amendment; but at the same time he thought the full amount of those revenues ought to be understood before the House was invited to enter upon the consideration of the civil list, because those words must mean—if they meant any thing—that the revenues of those duchies should be brought in aid of the civil list, and in diminution of the grant. He should like it to be distinctly understood, that before Parliament was called upon to give its definitive sanction to the civil list, it should have a full knowledge of that of which the House was at present placed in utter ignorance because there was no species of property of which the Crown was in the receipt, with respect to which the public was so much in the dark as upon this. It was represented at various times in various ways; but he had never heard the revenues of the Duchy of Lancaster and the Duchy of Cornwall placed at an amount not short of 40,000*l.* a-year; while the frequent fines attending upon dealings with property connected with them were of enormous extent. It was within his own knowledge, that within the last three years for one small portion of property connected with the Duchy of Cornwall, the Crown had demanded and received for the introduction of one life no less than 70,000*l*; and the party who was applied to to estimate the value of this leasehold property, said that if the other two lives were to fall it would be equal to 140,000*l.* more. It was obvious that if this source of revenue was to be brought before the House, with a view to its being brought in aid of the civil list, Parliament must thoroughly understand it, and be in possession of every particular that belonged to its nature, character, and extent. If he was to understand the noble Lord to mean what he said, then the introductory part of his amendment might be foregone. He also wished to know whether, in the committee for which the Chancellor of the Exchequer was to move, and to which were to be referred the various documents connected with the burdens of the civil list, it was the intention that the pension list should be fully and fairly considered? If that were so he had nothing more to say, and had no desire to trouble the House further; but if he was not to flatter himself that such was the intention of the Government, then, it appeared to him that this was an appropriate time for the House to declare its opinion on the subject. If it were inconvenient that the opinion of the House should be thus taken upon subjects of considerable importance, it should be borne in mind that the blame was not attachable to those who took this course. He never recollected to have heard any Speech from the Throne upon which the Members of the present Government, when in opposition, had not prefaced their remarks by expressions of regret, and caution against misunderstanding. They regretted the departure from the good old custom of having the Speech read at the Cockpit the day before it was delivered to the House, so that its purport might be known, and with a view that any necessary amendments might be prepared; and they desired to guard against the construction of anything they might say ofthe Speech as intending the slightest disrespect to the person of the Sovereign. The latter protestation was hardly necessary in the present instance, for there was no human being, however little conversant with such matters, who could suspect that her Majesty was the author of this speech. It was one of the most old-fashioned productions that could possibly be brought forth. The framers of it had nought to do but to look back to any royal speech for the last century, and they would find nearly the same words. To fancy that her Majesty, with her young and fervd imagination, had any thing to do with such a matronly composition as this, would be of all notions the most preposterous. Still it was desirable that that House should guard her Majesty against any ungracious construction which might possibly be put upon the proceedings of that House in inquiring into this subject. Of this Speech, as he had said before, in the ordinary sense, her Majesty could know nothing. She could know nothing of the Duchy of Cornwall, and the Duchy of Lancaster, nor of that scandalous pension list which had been exhibited to the country to its universal discontent and dissatisfaction. He would appeal to Gentlemen who had appeared on the hustings and were now present, and had not paid the penalty for their conduct by the loss of their seats, whether there was any question upon which the public mind so strongly expressed itself, as upon the necessity of revising the pension list. And the necessity had become the more apparent and the more obvious, from the arrangements which had been made, with little regard either to the comforts or the wants of those who had been made the objects of inquiry under the operation of the New Poor-law Act. Many Gentlemen whom he was now addressing were guardians under the Poor-law Act, and he was sure they could call to mind many instances in which persons who, from their advanced age, had been for years the recipients of small sums of money as parochial aid, which allowance had been entirely withdrawn, or considerably reduced, unless they yielded to the hard necessity of an abode in a union workhouse, and many were obliged to take refuge there, or to forego the little pittance they had been accustomed to receive, rather than submit to this revolting degradation. He knew there were some who would be disposed to draw a distinction between an aged and miserable pauper without connexions and without friends, scarcely known beyond the hut in which he was perishing, or the parish in which he was born, and those whose names, although they ought to be considered in no other light than statepaupers of the worst kind, were found emblazoned in the pauper pension list, with the denominations of honourable and right honourable, and other distinctions connected with the peerage and the property of the country. But although some might be studious of upholding those who were connected with rank and property, and insulting the poorer classes, he maintained, that let the connexions and designations of title be what they might, yet having rendered no service to the country, and many of whom were known to have opulent and proud connexions, perfectly competent to support them in affluence, whatever apology might be thrown around them under the pretence of family alliances, such apology insulted the lowly fortunes of the poor. He called upon the House to support his amendment and to expressto her Majesty their determination not to tolerate the pension list until it had undergone a searching revision, which under the Poor-law was so rigidly enforced. If it were said, that this was not an appropriate time for such a motion—that there were many Gentlemen who would wish to support it, and whom a sense of humanity and kindly feeling would prompt to do so, but who felt the desirableness of unanimity in this, the first address to the Throne, at the commencement of a new reign—if he found that on either side of the House this sentiment was really and sincerely entertained, he should think he was not consulting those interests which he desired to protect and promote, by attaching this amendment to the address. All he wished was to have a proper thing done in a proper manner. At the same time, having on a former occasion taken a prominent part on the subject of his amendment, he felt that he could not consistently avoid taking the first opportunity of calling the attention of the House and the Government to it. He still hoped it was the intention of the Government to submit the pension list to a rigid revision. Let Ministers allow him to tell them that they had no popularity to throw away, and to warn them that the confession the House had heard to-night—the manly, yet mortal confession of the noble Lord, would operate as fatally to them, and in as short a period, as the declaration of a noble Duke on the subject of the representation. Where was the difference between the noble Duke saying, before the Reform Act, that the representation, as it then stood, could not be improved, and the noble Lord, with the evidences he had before him of the intimidation and corruption which had recently been practised, declaring, as the head of the Government in that House, that he was not prepared to alter the Reform Act, either as regarded the ballot, the extension of the suffrage, or the duration of Parliament? If the Government were not prepared to hazard the last remnant of popularity they possessed, they would enlist the good feeling of the people in their favour, by supporting the object of his amendment. In order, however, that any Gentleman, who considered the pension list a disgrace to the country, and who was prepared to assent to its revision at a proper period, but who, feeling that at the present moment unanimity was beyond all value, was not prepared to disturb it by giving his sanction to a motion which he considered untimely—in order, he said, that any hon. Gentleman who entertained these sentiments might have an opportunity of acting upon them, he should wait first to hear from the Government whether it was their intention that the pension list should undergo a revision, and next, he should listen to the suggestions of any Gentlemen who, while they were disposed to cherish the general spirit of the amendment, were disinclined to support it at this moment, considering it untimely and inopportune.

Lord *John Russell* said, that as the hon. Gentleman had not stated his wish to divide the House on the subject, he should refrain, as much as possible, from entering into any opposition to his arguments, and should rather confine himself to those points upon which the hon. Gentlemen had asked for explanation. With regard to the Duchies of Lancaster and Cornwall, he did not think, he must say, that what he had stated, exactly met the words of the hon. Gentleman at the beginning of his speech. At the same time, he thought that, when his right hon. Friend should state the whole matter in detail, it would at once do away with the objections of the hon. Gentleman as regarded any mystery with respect to the amount of the revenues or the misappropriation to which he alluded. His right hon. Friend would state what was the usual and average receipt from these duchies, and would take care that provisions should be made by which accounts, with respect to them, should be regularly laid before Parliament. There was, as the right hon. Gentleman opposite justly remarked, a distinction between the duchies of Lancaster and Cornwall, the duchy of Lancaster being absolutely in the possession of the Crown, and the duchy of Cornwall being now in the possession of the Crown, but descending to the heir when there shall be an heir apparent. With respect to the other point to which the hon. Gentleman referred —a revision of the Pension-list—he could only say, that the Government meant to propose a reference generally of the papers respecting the Pension-list to the Committee. It had been the custom for some years to give to Parliament, not only the general amount, but the names on the list and the sums distributed amongst them. That was the practice up to the present time, and the list containing former pensions, as well as those granted by the late Sovereign, would be referred, with other papers, to a Select Committee. The Committee would have these papers before them in the same manner as the Committee of 1830. At the same time, he should not make a due return for the candid argument of the hon. Gentleman, if he did not tell him his impression with respect to those pensions. The whole of them would go, as he had said, with other papers to the Committee, and he held that on an occasion like the present, when there was a compact between the Sovereign and Parliament, the Parliament had a right to take such measures with respect to the Pension-list as Parliament should see fit, but, at the same time, he thought the course which had been generally pursued—the course recommended by Mr. Burke, when in opposition, in his scheme of economical reform, and the course adopted by the Committee of 1831, and in the Report with respect to the Pension-list, was the correct one. There were serious arguments of state policy and general expediency, which made the Government think it far wiser to lay down prospective provisions against abuse, rather than adopt measures for saving the pensions of persons to whom they had been already granted, and with whom, according to former precedents, they were to remain for their lives. He stated this, in order that the hon. Gentleman might not suppose, that if either he or his right hon. Friend should be Members of the Committee, they would propose any measures with a view of cutting off these pensions. He stated their general view of the subject. At the same time, he thought it was perfectly the right of Parliament to state a different view of it from them, and to take the whole subject into consideration.

Mr. *Harvey* said, he gathered from the statement of the noble Lord that, so far as his opinion went, it was not the intention of the Government of their own accord to institute any revision of the Pension-list, but that if the House thought fit to instruct them so to do, it was the right of the House; and the Government would listen, if not yield to such instruction. With this understanding, and much regretting the statement of the noble Lord, when the Committee should be appointed, as there was too much reason to fear it would be little likely to afford a guarantee for the expectation that any voluntary inquiry would be instituted into the Pension-list, he should feel it his duty to move a special instruction to the Committee to inquire *seriatim* into the pensions therein contained, and should take the sense of the House on the question. He should do so in the belief, that he should receive as much sincere support from the

Gentlemen at the other side of the House a from those on his own side.

Amendment negatived, and Address agreed to.

HOUSE OF LORDS,

Tuesday, November 21, 1837.

Her Majesty's Answer to the Address.] Their Lordships proceeded in procession to Buckingham Palace; the Barons going first, to carry up the Address.

The Lord Chancellor read her Majesty's most gracious answer to the Address, as follows:—"My Lords, I thank you for this dutiful and loyal Address. I learn with great satisfaction, that you will give your consideration to the measures which will be brought before you; and I rely entirely upon your devotion to my service, and your zeal for the public welfare."

On the motion of the Earl of Shaftesbury, her Majesty's answer was entered on the rolls of Parliament.

The House then adjourned.

HOUSE OF COMMONS,

Tuesday, November 21, 1837.

Minutes.] Petitions presented. By Captain Pechell, from Brighton, for the speedy passing of two Bills concerning the Extension of Sheriffs Courts, and the Law of Coverture; from the Licensed Victuallers of Brighton, for the repeal of the law which compels them to restore property said to be stolen from their houses.—By an hon. Member, from the Magistrates of Edinburgh, for the reduction of the rate of Postage, and in favour of Mr. R. Hill's plan.—By Sir Edward Knatchbull, and Messrs. Eaton and Sheppard, from several places, for the making of Turnpike Roads.—By Mr. Wallace, from Pollockshaws, for the abolition of Military Flogging.—By Sir A. Leith Hay, from Leith, for an alteration in the Post-Office Arrangements.

Report of the Address.] Lord Leveson brought up the Report of the Address.

Mr. *Leader* said: Before the Report is adopted, I have a few observations to make on one part of the Address. I abstained from introducing the subject last night, as it would have interfered with the tenour of the debate which then took place. But the very debate of last night has rendered some mention of the subject more necessary than before. By means of the declaration, hostile to further reform in the representative system, made last night by the noble Lord, the Member for Stroud, the last hope of obtaining really popular measures from the present Government has been taken from us. After that ill-timed, and to the present Government fatal, declaration against the only measures which can give to the people their just and proper control over the representation of the country, the noble Lord must not be surprised, if he finds that he has lost the support of the people, on which alone his Administration rested, and that he no longer possesses the confidence of the Representatives of the popular party in this House. With eager joy, the party opposite received his declaration, and applauded and supported his anti-popular determination. With delight, he was hailed as a partisan by those who consider the Reform Act as a solemn compact, to be for ever held as binding. That compact may, indeed, be binding on the Members of the two aristocratic factions who ratified it; but it is not binding on the people, or on the people's Representatives, who never sanctioned it; who had, indeed, no share in it. When allusions are sneeringly made to the restles desire of change, when the idea of reforming the Reform Act is treated with ridicule, I answer, that people never desire change for the mere sake of change, but because they find their position uneasy. Indeed, people rarely call for a change of system till they find their actual state almost intolerable. As to not reforming the Reform Act, I say that the people are as determined to have a reform of that measure as they were to have the Reform Bill itself. They succeeded then; why should they fail now? When appeals are made to the array of the wealth and intelligence of the upper classes against us, I fearlessly appeal from them to the overwhelming numbers, to the largely-developed and rapidly-increasing intelligence, to the steady and improving morality, and to the sound common sense of the commercial, industrious, and working classes of this country. It will be seen, whether they will much longer submit to be mere tools and puppets of the Aristocracy, or whether they will assert their rights, and prove to the aristocratic factions, that there is a power above them—the power of the great majority of the people. The line will soon be drawn between the aristocratic and the popular parties—between those who wish to keep what is called the representation as it now is, and those who wish to see the people, or even the nominal electors, really represented in this

House—between those who are determined to stand still, and those who are resolved to advance in the path of Reform. The noble Lord, with sorrow and deep regret I say it, has made common cause with the opponents of Reform; he may now obtain support from them; he can expect no confidence from the popular party. He is no longer the popular Minister nor the Representative of popular opinions; he and his Colleagues now hold office for the purposes, and at the will of the Tories; and they will hold it only until the Tories think proper, on a fit and convenient opportunity, to dismiss them and to take their places for themselves. Such being the case, any declaration of the present Government must be received by the Representatives of the popular party with increased jealousy and distrust. Partly for this reason, and partly because I think that there should be no delay in laying the subject before the public; I think it my imperative duty to advert briefly to that part of the Address to which I shall now call the attention of the House. In so doing, I wish to show to the House and to the country, the disastrous effects of resistance—obstinate, senseless, long-continued resistance—to the just wishes and demands of the majority of a nation. I wish to show the state to which a peaceful, moral, and well-conducted country may be reduced by continued misgovernment, and by perverse opposition to the wishes of the people. May the sad example be a warning to our rulers in this country. The subject to which I allude, and which I consider it my duty not to allow to pass without observation, is the present state of Lower Canada. The part which I took in that question in the last Parliament, and the loss which the Canadians have sustained in this Parliament, render this an imperative duty. The man who ever stood forward as the able, the honest, the fearless advocate of the Canadian people is no longer in a position to defend them in this House. No one regrets his absence more than I do; no one feels more deeply the loss sustained in his defeat by the popular party, not in Canada only, but throughout the empire; and of those who have heard him, I must ask much indulgence while I endeavour, not to fill his place, for that I know would be a vain attempt, but briefly to show the state of that Canadian people whose cause he maintained with unrivalled energy and eloquence. It is right that the House and that the country should know as soon as possible what is the real state of that important colony—it is right that they should know how the British laws and constitution are administered, or rather how they are violated and trampled on by the executive government in a British colony. When the facts are fairly laid before them, they will have to pronounce judgment on the system, and on the men who sanction it. The state of Canada is, indeed, referred to in the Speech, and the noble Lord who moved the Address held out some hope of conciliatory measures; but what sort of conciliatory measures can be reasonably expected by the popular party anywhere, from a Government of which the leader has declared positively against the very measures most anxiously expected and most earnestly demanded by the people of England? If the noble Lord treats with cold indifference the almost unanimous prayer for protection of the constituencies of Great Britain, what chance of a more favourable or less chilling reception, what hope of justice or protection, have the people of a distant colony? Besides, the resolutions were called conciliatory—perhaps by the conciliatory measures now promised the noble Lord means merely the enforcement of the resolutions, or some equally unsatisfactory enactment. But even if the Government be sincere in their promise of conciliatory measures, it is, I fear, too late to talk now of conciliation, except it be most full and ample, such as the withdrawal of the resolutions, and a prompt acquiescence in the just demands of the Canadians. If the noble Lord who introduced the Canada resolutions in the last Parliament ever for a moment fondly imagined that they would pacify Canada, or produce anything but indignation and a more determined and open opposition, he must now be fully satisfied that he was grievously mistaken in his expectations, and that his estimate of Canadian endurance was sadly erroneous. The resolutions were received in Canada as they deserved to be received, with indignation and bitter animosity. The Assembly, in an address which does them honour, have re-asserted their rights and their just demands, and have denounced the resolutions as unconstitutional and tyrannical. The last hope of justice from England has been dashed from the Canadians, and they now in unequivocal terms denounce as foreigners and enemies the Ministers who proposed, and the Parliament which passed, the Canada Coercion Bill. They openly declare, that they have now no hope of good government but in separation from England. This is the effect of the resolutions which were to pacify Canada. But the mischief does not end here. When the resolutions were under discussion, the noble Lord the Member for North Lancashire, taunted the Ministers with showing their teeth, but with being afraid to bite. The taunt seems to have had its effect; for, in addition to the resolutions, the Government of Canada has been committing acts which, if according to the letter, are certainly against the spirit of the constitution, and which are worthy of the most despotic days of Toryism. When the resolutions became known in Canada, meetings were called in various places to discuss them. In these meetings they were strongly denounced. Amongst other persons, many militia officers and magistrates attended; on this account they were deprived of their commissions. A royal proclamation was torn down by a Canadian in a moment of excitement: for this he was indicted before the grand jury; the bill against him was ignored by the grand jury, and the man was virtually acquitted. In defiance of this decision, the Canadian Attorney-General issued *ex officio* informations, and proceeded against him. A more imprudent or tyrannical proceeding can scarcely be imagined. What does her Majesty's Attorney-General think of such a proceeding? The two great objects of Government should be to protect the persons and the properties of the governed. In the eyes of the Canadians you attacked their property by your resolutions, and now you attack their persons by the most tyrannical and vexatious law proceedings. The consequence is, that your Government is at an end in Canada for all the purposes for which a government should exist. The people have, in fact, set up a provisional government of their own—the militia officers and magistrates dismissed by your Government have been re-elected by the people—your courts of law are deserted, and the people resort to local provisional courts; and instead of going before your judges, they take their differences to be decided by pacificators, or judges of their own selection. Your very commerce is denounced—non-intercourse is the watchword of the Canadians—they have bound themselves by solemn obligations to use no article of British produce. Should a collision take place, can you depend upon your troops there? Are they not deserting in great numbers; preferring independence in America to the aristocratic system and the corporal punishment of the English service? Are you prepared for an armed collision with the Canadians; and do you think that the other North American colonies would assist you, or that the people of this country would pay additional taxes to enable you to keep up a sufficient force to coerce the Canadians? That the House may see that I have used no exaggeration on the subject of the disturbed state of Canada, I will read a few extracts from some documents on the subject. We are told that it is a mere struggle between French and English. Not so. The English of Upper Canada even sympathise with the French of Lower Canada, for they know that it is a contest of principle—between popular responsible government and aristocratical irresponsible government:—"At a meeting at Markham, in Upper Canada, to which many of the people went armed for self-defence—where the resolutions were discussed—they were 'condemned as the atrocious resolutions moved by Lord John Russell for coercing the Canadians, and governing them by the iron rod of colonial despotism,' and those who 'submitted to such oppression were denounced as unworthy of the name of freemen,' and 'determine to make common cause with Lower Canada.' In the township of Whitchurch, in Upper Canada, at an anti-coercion meeting, 'the resolutions were viewed with hatred and abhorrence,' and the meeting determined, should Lord John Russell enforce his resolutions, to support the Lower Canadians in their struggle for independence.'" At a meeting at Bayham, in Upper Canada, there was a resolution passed, "that the coercing the people of Lower Canada brings them under the yoke of arbitrary power, and serves as a precedent for our subjugation." The governor has become odious to the people. At a meeting of the county of Acadie, it was resolved—"6. That Lord Gosford (by depriving our magistrates and officers of militia of their commissions, &c.) has committed an act of the most crying injustice, and has, as well by his odious system of dismissals as by his general conduct, declared himself the sworn enemy of the people of Canada." "7. That we entertain still less respect for Lord Gosford than we felt for Lord Aylmer of odious memory: the latter was frank, although an enemy of the rights of the Canadian people; Lord Gosford has distinguished himself by deceit and duplicity since he has been at the head of the administration." Such is one of the effects of the weak, and vacillating, and temporising policy which the present Government has pursued towards Canada. The Canadians have lost all hope of justice from England, as the following passage from an address of the Sons of Liberty of Montreal to the young men of the North American colonies would convince the House:—"The present degraded position of our country being the result of three quarters of a century of warm devotion to British connection, and of mistaken reliance on British honour, it would be slavish and criminal to confine our resistance hereafter to simple remonstrance. The wicked designs of British authorities have severed all ties of sympathy for an unfeeling mother country. A separation has commenced between parties which will never be cemented, but which will go on increasing until one of those sudden, those unforeseen events that attend the march of time affords us a fitting opportunity for assuming our rank among the independent sovereignties of America. Two splendid opportunities have been lost—let us not be unprepared for the third." The Canadians, I assure the House, are preparing for open hostilities. At the permanent committee of the county of Two Mountains, it was resolved, "That the Reformers who have begun to drill, shall form themselves in each parish in volunteer companies of militia, under the command of officers elected by the militia men, and shall be drilled in the management of fire-arms, and in light infantry evolutions and movements." There are constant allusions to the manner in which the American farmers fought, and to Burgoyne's disastrous defeat, and to the various defeats of the British in the American war of Independence. In *The Vindicator* of the 6th of October, there is the following passage:—"The 83rd regiment, it is reported, is to be stationed at three rivers, and along the Richelieu river, through the winter. Where will they be in the spring?" This warning, if it may be so called, is repeated on several other occasions. In speaking of a purchase of horses for the artillery, the sentence is finished in the same words: "Where will they be in the spring?" These words seem ominous of the fate of the oppressors of Canada; they may also be most aptly applied—I grieve to say it—to the present Government here, if they pursue their present course: where will they be in the spring? Such is the state of Canada, produced by an obstinate resistance of Government to the demands of the people. The Canadians are a people, who were formerly renowned for a love of peace and order; they were prosperous and flourishing; devoted to England, and pre-eminently loyal; bad government has driven them into a state bordering on open revolt. Does the noble Lord suppose that the people of England will be more patient of bad government—that they will more quietly submit to have their demands obstinately refused, and their prayer for redress of grievances treated with cold indifference? If the rest of the Ministers have resolved to act on the noble Lord's declaration, and to resist all reform of the Reform Act, their fate is decided—their tenure of office can last but for a short time longer. I lament this for the sake of Ministers themselves. I hoped better things of them. I lament it for the temporary interruption which it must cause to the calm and peaceable progress of Reform; but, above all, I lament it for the sake of Ireland—the only part of the empire on which the possession of power by the present Government has conferred much benefit, and might, if continued, have conferred much more. But, whatever may be the results of the loss of power by the present Government, nothing can keep them in office as a Liberal Ministry, if they be determined to abide by the noble Lord's declaration against all reform of the Reform Act.

Mr. *C. Buller* said, that as a Reformer and a friend of the present Government he could not help feeling great regret at the declarations made last night by the noble Lord, the Member for Stroud, respecting the present state of the representation of the people in this country. In the few remarks he should make he wished to call the attention of the House, not so much to the Speech delivered from the Throne as to the unfortunate debate which ensued upon it. He certainly disapproved of the course adopted by the hon. Member for Finsbury: that hon. Member had brought forward the question of Parliamentary Reform against the wishes of some of its most sincere friends, at a most unseasonable and most inopportune occasion, and at a time particularly detrimental to the interests of that question. By the vote which he (Mr. Buller) gave, against the amendment, he showed pretty clearly what were his sentiments with respect to the motion of the hon. Member for Finsbury, but he must say that he differed no less from the sentiments expressed by the noble Lord than from those of the hon. Member near him. In the race of absurdity it was difficult to determine who was entitled to the palm. His usual test failed here, for he was in the habit of thinking that when any Member on the Ministerial side of the House received the cheers of the Opposition, he must have committed a great blunder; and on the present occasion it was no easy matter to determine whether the hon. Gentleman or the noble Lord had found most favour in the eyes of Gentlemen opposite. This was rather unfortunate, for the noble Lord occupied a position which made his speeches of greater weight and importance than those which proceeded from any other Member of that House, and therefore the least imprudence of which he might be guilty could not fail to produce greater injury to the cause of Reform, and greater disappointment to the hopes of the people, than if similar sentiments proceeded from any other quarter. He differed from many of the opinions expressed by the noble Lord, but none of them did he deprecate so much as the tone and temper in which he was pleased to express himself of the motion of the Member for Finsbury, for the purpose of declaring his unalterable determination not to reform the Reform Bill; and to him (Mr. Buller) it appeared that the noble Lord only wanted a pretext for quarrelling with the great mass of his supporters in that House. He confessed that he felt sorry to be obliged to say any thing of this sort, and he hoped that the noble Lord would give them reason to say the contrary; but most certainly, if the noble Lord felt tired of the support which he received from the decided Reformers, he was perfectly right in saying so candidly and at once—if after he had sucked the orange he felt disposed to throw it away, the sooner they knew that the better. If the noble Lord desired to throw them off, and to remain in office rather through the sufferance of the Opposition, than the cordial support of those whose aid had hitherto been acceptable to her Majesty's Government, let the country understand that. Most assuredly, if such were the feelings and the wishes of the noble Lord, it was advantageous that he should candidly avow them, aad leave the public to judge between the Ministers and the Representatives of the people; he only hoped that the noble Lord was well "on with his new love" on the other side of the House, "before he was off with his old" one on the Ministerial side. He repeated, that he wished the public to judge between them, and he doubted not that the Reformers of England would feel deep indignation when they came to know that the Reform Ministry were in danger of being broken up; he therefore was anxious that the public should clearly understand that the fault was not with him or with the Friends of the Ballot, but with the noble Lord, the Member for Stroud. He must say, that the language of the noble Lord, did surprise him, because he could hardly reconcile it with the good faith which he had expected. The noble Lord held very different language indeed when he sought to carry the Reform Bill through the House of Commons from that which they had heard from him in the course of the present discussion. The language of the noble Lord was upon record, and he could not shrink from it; he obtained the assistance of the Radical Reformers, without which he could not have carried the measure, by giving them a full assurance that Ballot and the Septennial Act were matters with which the Reform Bill did not interfere, still less affect to settle; and now his language was of a totally different character. Hon. Gentlemen opposite, and particularly the right hon. Baronet, the Member for Tamworth, were very fond of talking of the Ballot as a new measure of the Reformers, and of alleging that they were not satisfied with the Reform Bill now that they had got it, but sought to make it a battery, from behind which to attack the constitution. Why, their language was very different at the time of the Reform Bill. Their taunt then was, that the Reform Bill was not enough for the expressed desires of the people, and that the people wanted vote by Ballot as well. He was only taking advantage of the confession which the right hon. Baronet and his Friends then made. It was found, too, that of the reform petitions ten to one were for the Ballot also. He was quite sure that since that time nothing had passed to render the Ballot less desirable for the people of England. He was now about to say a thing which had before offended some Members on both sides, and might offend them again. He maintained that the Reform Bill, as it had worked at the last three general elections, was quite as inadequate a test of public opinion as the old system was; that there was far more of irritation and corruption, more heartburn and excitement, than there was before, and that it was impossible that civilization could much longer exist under so barbarous a system. That on which he stood was the principle of the Reform Bill, and he desired to see that carried into effect. Their demands were called unreasonable. Let that be proved. The sum of them was, that they required to have the Reform Bill carried out to its legitimate results; but they required to have it carried out in the spirit, and not merely according to the letter. Did they think that schedule A, or B, or any such devices, were what Reformers looked for in the Reform Bill? No; in supporting Lord Grey, they rallied round his declaration, that the object of the Bill was the substitution of representation instead of nomination. They had not got it; nomination now existed in a worse form than ever,—worse, because it was not now in hands accustomed to its exercise, but in those which would exercise without the control of the people, and who were not subject to the responsibility which lay on the former possessors of boroughs. The working of the Reform Bill had been to take the nomination out of the hands which formerly held it, and to place it in the hands of a somewhat larger number of people with less responsibility. The present system was not such a one as would allow the voice of the people to be heard. Bad and gross as the old system was, its corruption was modified in some degree by the force of public opinion over every proprietor of a rotten borough. He was quite willing to leave it to the country to judge whether the Reformers were what the right hon. Baronet (the Member for Tamworth) would represent. Indeed, he had never placed any value on the opinion of the right hon. Baronet, because he had observed that never, on any important occasion, had he been able to judge rightly of public feeling. And he knew of no position the right hon. Baronet had ever taken up from which he had not been driven by the voice of the people. Least of all should he be driven from seeking the reform of the Reform Bill by the opinion of a man who once said that the Reform Bill itself was not the wish of the people. He was sorry on the present occasion to be compelled to say anything which might have the effect of embarrassing her Majesty's Ministers, but he felt obliged to give expression to a feeling which he could assure the House was very strong in the breasts of many who voted for Ministers last night. He would not let the impression go abroad that the twenty who voted for the motion of the hon. Member for Finsbury last night were all who desired that the exercise of the suffrage should be protected. If the noble Lord, imitating the blunder committed by the Duke of Wellington in 1830, told the people that they could not be protected in the legal exercise of that franchise which the Reform Bill conferred upon them, then would it be evident to all men that the noble Lord had departed from the ground which he occupied when that great measure was under discussion.

Lord *John Russell* said: Sir, I think it necessary, after the observations which have fallen from the hon. Gentleman who has just sat down, to answer those parts of the hon. Member's remarks which had reference to myself, as well as to the important subject which last night was brought under the consideration of the House. With respect to the part connected with myself, I very much regret that the hon. Gentleman, who, in the latter part of his speech, made an admission that what I said must be taken with qualification, should have been led to attribute to me in the early part of his speech an intention of seeking for a pretext for quarrelling with my supporters, and as ready to throw away the orange which I had sucked. The hon. Member said, that he hoped that I had found some ground for placing my future reliance on the opposite party. I must say, that an imputation of conduct more base or dishonourable, as it affects the motives and character of a public man, could not be made, and, in the face of the House and the country, I feel myself bound to declare those imputations to be utterly unfounded. When I spoke last night, it is true, I did not speak altogether from the impulse of the moment. I had considered beforehand the course which I should take in the debate on the Address. I had determined that if the debate should be confined to the topics contained in the Speech or the Address, I would not throw out any allusion to topics upon which there might exist any difference of opinion between her Majesty's Government and those who had accorded to the Government their most honourable and disinterested support during the time that we have had the honour of holding the seals of office. But my determination also was, that if topics were introduced with respect to which I could not fail to have a strong opinion—if topics were put forward which I utterly disapproved of—if, for instance, a topic was proposed to the House which I thought could not be favourably entertained without inflicting a deep injury on the public interests of the country, holding the situation which I do, and being a leading party as I was to the Reform Bill, then it was my intention, as it was my duty, whatever obloquy or whatever imputations might be cast upon me by the hon. Member, or by other hon. Gentlemen, not to withhold from the House the solemn and decided expression of my opinion. I know not whether the House will agree with me; but certainly, as far as my impression went, I did think that the speeches of the hon. Member for Finsbury, of the hon. Member for Leeds, and also the speech of the hon. Member for Kilkenny, were as offensive and insulting to the Administration, to which they profess to wish well, as could well be made by any Gentleman under such circumstances and pretending to that character. I think likewise—and as far as my inclination was concerned I can answer for it—that in my reply to them I did not intermix anything of personal hostility or bitterness, but confined myself to points which partook of public and general interest, and which did not in any way involve personal considerations. It seems, however, that these opinions which I so expressed are such as the hon. Gentleman who spoke last, and other hon. Members who spoke last night, think will be fatal to the continuance of the Government. I cannot say that I am satisfied with the tone which persons professing to be friendly to the Government frequently adopt, by urging that the course of policy which they recommend would be favourable to the continuance of the Administration in office. I do not pretend to say that I am indifferent to the continuance of the Government in office. I will not make any pretence of having a wish to resign office and retire into private life; I do not affect to be devoid of ambition; but I do hope that if the question between my continuance in office and my being forced and pressed into opinions which I do not avow, and supporting measures which I think would be injurious, if not destructive, to the country, I hope I am at least above the imputation that I should make a dishonourable choice. Why were those topics introduced into the debate of last night—wantonly introduced, I will say? I repeat, the subject was forced on wantonly; for those topics were by no means materially connected with the topics in the Speech from the Throne, or the Address in reply to it. I say this because the subjects which I have adverted to may be brought forward in the shape of Bills or notices of motion, and they then might be dispassionately discussed; but as they were brought forward last night I did not conceal my views on the subject, for I believed I was bound to enter on the discussion. The hon. Member for Liskeard seemed to think that the sentiments I uttered last night were inconsistent, and disagreed with the opinions I expressed with reference to the Septennial Act and the Ballot when the Reform Bill was before the House. I said at that time that the questions of the Ballot or of the Septennial Act were not treated of in the Bill which I proposed for the reform of the Representative system, but that they would be always open for either the Government or any hon. Member of that House to bring forward as they might think fit. I said then that I hoped the House would pause before it sanctioned any measure calculated to give irresponsible power to voters, or so to shorten the duration of Parliaments as to prove inconvenient in the transaction of public business, or disadvantageous in the exercise of the franchise. The whole of my observations having reference to those measures during the discussions on the Reform Act were calculated rather to discourage than to encourage their introduction. I thought, however, at the time the Reform Bill was under consideration, that some of its results might possibly render necessary either the repeal of the Septennial Act or the introduction of the practice of voting by Ballot. I determined accordingly to preserve my mind on those subjects as much disengaged as possible, and vigilantly to watch the progress of events, in order to promote what might appear to me the true interests of the people. I am now ready to express my opinion with respect to the duration of Parliament. The time always named by those who advocate short Parliaments is three years. I think that period too short, and I also think that seven years may be inconveniently long. The question really is between seven years and five, which does not seem to me one of much importance. As to the question of taking votes by Ballot, I do not attach so much importance to it as others seem to do. I admit that it is a question of some importance, but I think that one of the chief objections to it is, that it would prove inefficacious as a system of secret voting, and therefore it cannot afford that species of security sought for by its advocates. But if it disappointed the country in its operation, must it not lead to other changes? Almost all the advocates of vote by Ballot say at the same time that the suffrage should be extended, they say that it should be extended at least so as to have household suffrage; but if it were extended so far, many persons agree that it would lead to the most extensive bribery and corruption in the smaller boroughs which now exist. One gentleman of great experience on subjects of this kind, who was examined before the intimidation Committee, and who is also a person of much sagacity and intelligence—I mean Mr. Parkes—said, that in the smaller boroughs with the Ballot bribery would exist in a greater extent than at present. The hon. Member for Kilkenny is the advocate for extending the suffrage to house-holders as a step to universal suffrage. The late Member for Liverpool, Mr. Ewart, in a pamphlet which he has addressed to the country on the subject of the Reform Bill, recommends a great extension of the suffrage. The hon. Member for Westminster is also an advocate for a great addition to the franchise, and in the changes which he recommends, the Ballot only forms a part. It appears to me, taking all the circumstances together, that even if I were disposed to think that the opinion in favour of the Ballot was a right opinion, I am obliged to stop and consider, supposing Parliament were to enact the Ballot, whether the Ballot would be the end of those alterations in the Parliamentary constitution of the country which the hon. Members demand. The hon. Member for Liskeard says it is desirable, when we settle questions of this kind, that there should not be a perpetual recurrence to them. This is the doctrine of common sense; and if the time of Parliament is occupied in continual constitutional changes a great portion must be lost which might be better employed in useful, effectual, and practical reform. Then, agreeing with the hon. Gentleman that such a course is not desirable, I come to the conclusion that if the Ballot were adopted alone, or that if the shortening of the duration of Parliament were adopted alone, at the present time, they would not so far either satisfy hon. Members with regard to the Reform Bill, or make it appear to them a complete Act, as that we should not be immediately required to grant further changes. With respect to the question of the Ballot itself, I very much apprehend that if the voting were secret it would be said "we who have no votes are in a worse condition than before. We now have neither votes nor influence over those who have. You were right in establishing secret suffrage, but the franchise ought to be far more extended." I must say that is a rational observation. Then I can hardly be prepared to enter upon this course without being prepared to pursue it. I recollect lately reading an account in a newspaper of the proceedings at a meeting which was convened in favour of the Ballot, which ended by another taking the chair, and the passing of a general resolution that the Ballot would be useless unless there be a further extension of the suffrage. These measures then go together in the minds of the people, and in order to adopt them we must entirely re-construct the Reform Act, we must extend the suffrage, we must abolish, according to some Gentlemen, many of the smaller boroughs, and we must disturb what at the time of passing the Reform Bill we deliberately considered a fair balance between the agricultural, the manufacturing, and the other interests of the country. I may be mistaken on the subject—my views may be quite erroneous; but my opinion is, that great as the evil of much of the present system undoubtedly is, though I hardly think even this deserves the epithet bestowed upon it by the hon. Member, it is my opinion that it will be far better for us to endeavour to improve the system in its details, and carry on the business of the country under the Reform Act, than attempt any new plan of suffrage on theories which had been propounded in the course of the discussion of last night. Some hon. Gentlemen called upon the Government not to shut our eyes to the peculiarity of our situation in this House, reminding us that there is but a small majority on our side, and that it requires the adoption of some measures like those which have been pointed out in order to awaken public enthusiasm; nevertheless, I for one, must say, I am not prepared to adopt any such plans for an such purpose. It is our duty to consider only what are the interests of the country; and I must beg of hon. Gentlemen to remember that while they are telling us not to be blind to our situation in the House, we hold it our duty not to forget what is the situation of the country. Sir, at the time the Reform Bill passed, I stated my belief that it must necessarily give a preponderance to the landed interest; and, although it may be deemed that such preponderance has been somewhat unduly given, I still think that a preponderance in favour of that interest tends to the stability of the general institutions of the country. It is my opinion that to frame a plan of reform which should give weight only to the large towns, to the exclusion of the great body of the landed interest, meaning by the term not merely the landlords, but the farmers and tenants of the country, would be to introduce the elements of general disorder; and I cannot suppose but that those who would be thus unjustly deprived of their franchise would never rest quiet under that plan of government until they had, by every means, endeavoured to reinstate themselves in their due position in the country. With respect to a large portion of the interest to which I am alluding, I am well aware that the opinions both of the hon. Member for Kilkenny and my own are unpopular with them, and, therefore, when I look at the great strength arrayed on the other side of the House, although I fully believe that many unfair means have in a number of cases been resorted to in the recent elections, I can account for much of the force opposed to us from the prevalence, particularly in many of the counties of England, of opinions, conscientious opinions, hostile to the measures which we have brought forward. Such being the sum of my opinions, and looking to this side of the House, the present and future interests of the country, I must say that I for one am assuredly not prepared to go into those general questions, which I consider would render an entirely new Reform Bill necessary. But the hon. Member really mistook or misrepresented me in stating that I had declared I would have no alterations whatever made in the Reform Act, as if I thought the Reform Bill " one entire and perfect chrysolite " — without flaws or impurities. Far from it; on the contrary, I stated last night, that in many respects, and particularly with regard to the registration clauses, many amendments might be made. Indeed, I do not think any party can justly say they can stand entirely on the Reform Bill without any alteration. The alteration made two years ago, which empowered an increase in the number of polling places, an important alteration in its regulations, render it obvious that no determination had been come to which will prevent amendments in the provisions of the Act. Sir I might go further into this and other matters; but my intention in rising was merely to state to the House the reason which induced me to speak last night, to explain the grounds of my conduct. Sir, I am seeking no coalition with any opposite party, but I do feel that in the situation which I hold, and in the present state of the country, if I had entirely withheld my opinions last night, I should not have been acting as became that situation, and that I might fairly have been reproached with a culpable evasion of a difficult question. " Be we or be we not, the Ministers of this country, I trust, that having proposed great measures, and having carried many of them, we shall not behave so ungratefully, so unfaithfully, so basely to the country, which has hitherto supported us, as to refuse our fair expression of opinion, and our fair vote on the great interests of the country, whenever those great interests are placed in jeopardy by propositions of any kind whatever."

Mr. *Grote* readily gave the noble Lord credit for the candour he had displayed in his speech, although he was sorry he could not award him any higher commendation. He complained that the noble Lord, both last night, and in the speech he had just delivered, had treated the question of the ballot with the greatest injustice, regarding it as identified with, and inseparable from, the two other questions of an extension of the suffrage, and the repeal of the Septennial Act. He with many other hon. Members, was favourable to the adoption of the two latter measures of reform, but he maintained they had no necessary connexion with the ballot. Each question should stand or fall on its own merits. He had given notice for a future day, of a motion on the subject of the ballot, and he would then introduce it, as he always had done, on its own merits, and unconnected with the extension of the suffrage, or any other matter. At the same time, he would give to those questions his cordial support. He hoped that when the noble Lord opposed his motion he would be prepared with arguments against that motion, and not seek to derive an unfair advantage by dragging in any other proposition. If such arguments as were now used by the noble Lord had been allowed to prevail on a former occasion, the Reform Bill itself would never have passed. He felt deeply sorry for the declamations the noble Lord had made on that and the preceding night—they would diffuse sadness through the bosoms of all Reformers. The hopes which they entertained of his Lordship's Government would be destroyed by that declaration. They all remembered the celebrated declaration of the Duke of Wellington against the Reform Bill; but he (Mr. Grote) believed that the declaration of the noble Lord would produce a greater and much more painful sensation. He had good grounds for believing that the noble Lord had mistaken public feeling if he thought it would bear him out in thus refusing to the holders of the suffrage, the protection to which they were entitled.

Mr. *Borthwick* wished to call the attention of the House to the paragraph in the Speech from the Throne in which it was said that the engagements of this country with Spain, according to the stipulations of the Quadruple Alliance, were persevered in. The terms of the Quadruple Alliance were strictly these—that measures which would tend to the establishment of peace in the Peninsula should be adopted, and that England should lend a naval force for that purpose. Her Majesty's present Ministers introduced a foreign force there, contrary to the letter and spirit of that Alliance. Four years ago, Don Carlos had declared his pretensions to the Throne of Spain. The truth of those pretensions, and the credence which they obtained in the minds of Spaniards, and the extent of the assistance which the majority of the nation had afforded him in asserting his right to that Throne, had best been proved by the sure gradation of successes which had attended his arms and shaken to its recesses, the power supported by England, France, Portugal, and (if they were to believe his enemies, and the advocates of the policy of interference,) by three-fourths of the Spanish nation also. These successes proved to the utmost the necessity of upholding the original policy of the Quadruple Alliance, to which he (Mr. Borthwick) gave his sincere adherence — a policy which he was anxious to distinguish from that now pursued by those who had warped that Alliance to the prolongation of a cruel war and the prevention of an adjustment of the claims to the Throne by the Spaniards themselves. A more disgraceful contest than that which we were now abetting in Spain had never existed —disgraceful not only to England, but to human nature. What could be more atrocious than the cruelties perpetrated by Mina and Nogueras—the foster children of Radicalism ?—the latter of whom had dragged from her house and consigned to public execution, an old woman, from no other cause than that her son was a brave soldier, who fought zealously and honourably, according to his conviction, in support of his Prince, whom he believed to be the rightful heir to the Throne of his country. Bad as Mina might have been, execrable as Nogueras had proved himself capable of being, they were still worse, who, under pretence of executing the spirit of the treaty of the Quadruple Alliance, gave protection and assistance to such monsters in the indulgence of their barbarities. [*Interruption.*] He assured the House that he was doing all he possibly could to make his voice extend to the opposite benches, and overcome the buz of conversation. He treated the opinions of hon. Members at both sides of the House respecting the rival claims of Carlos and Christina with all possible deference, but he must say, that he believed that the conduct of her present Majesty's Ministers, with respect to the Quadruple Alliance, instead of following up and supporting its provisions, was actually in contravention of the spirit of that treaty. How had they attempted to effect the pacification of Spain? The walls of London not long since were covered with placards, promising to deluded crowds a glorious opportunity of sharing in the deliverance of Spain from the foes of liberty, and picturing, when they had pacified and freed it, the happiness they would enjoy on their return in telling their tales of the share they had taken in that work of glory. All knew the result of those ridiculous boastings. The Legion, seduced from home, was sacrificed and almost annihilated abroad. The poor fraction that escaped, returned to tell a tale of betrayal and beggary. They had no right to interfere in the purely national quarrel for the Spanish Crown. It was useless to appeal to the precedent in the time of Philip V. There existed no resemblance between the two cases, except this, that Don Carlos would soon, in all probability, become King *de facto* as well as *de jure*, despite of all the efforts of his enemies. There was a cry of "The faction" raised in reference to the Spanish quarrel. Yes, there was a faction in Spain which was rapidly ruining its resources and degrading its character—a faction which had commenced its career in gratuitous cruelty, and still continued to indulge in reckless barbarities—a faction whose claims and career were based on injustice and pursued in iniquity—a faction which assumed the semblance of liberty to shield its tyranny, and the cover of English bravery to hide its cowardice and disgrace. Englishmen were, of course, by nature brave, but he must say that the character of the faction to which they had allied themselves in Spain was such as necessarily to communicate a portion of the disgrace which their conduct so thoroughly involved them in. Was it not possible for England to oppose Don Carlos without misrepresenting him? What torrents of contemptible cant had been poured forth respecting the "odious Durango decree" and "the cruelty of Don Carlos" by those who knew better all the time—who knew that the Durango decree was the law of England at the present moment—that it was enacted in Biscay long before Don Carlos was born—and that it was, at the urgent request of the inhabitants, put forth by him in mercy, to meet the case of a crowd of reckless outcasts, who were, at the instigation of his enemies, preparing to throw themselves on the coast of the Basque provinces, and carry desolation amongst their inhabitants—it was to check, and, if possible, arrest, the course of this devoted expedition that this ancient national law of the Basque people was promulgated in mercy. And when the Legion dropped on their shores, as if from the sky, in despite of all prudential considerations, appearing, not as English, but as a horde of barbarous invaders, to take part against a nation in whose quarrel they had no right to interfere, what did Don Carlos do? As far as depended on him, he did not enforce the decree in a single instance. The enemies of Don Carlos in this country surely ought not to misrepresent a decree intended for their protection and benefit. How much better for the honour of England had its Ministry imitated the conduct of the King of the French, who declared that he would only peril the blood of Frenchmen in the cause of France. But the noble Lord had said that Don Carlos was entirely defeated, and that the failure of his recent expedition to Madrid showed that they might now soon expect a termination to the struggle. But it appeared that the noble Lord had yet to learn that the cause which England was attempting to oppose was not the cause of Don Carlos, but the cause of the people of Spain. The proof was easy to exhibit. In June and July last he had, with an army of 8,000 men, traversed two-thirds of Spain, in the face of three armies, none of which ever dared to oppose him in force face to face, but only encountered him by accident, as it were, and were then defeated. Don Carlos had been blamed for not entering Madrid, but he was now nearer to the throne than if he had entered his capital under the circumstances. At a Council of War, held at its gates, everything had been considered, and in conclusion it was the determination of this wise Prince not to enter his capital by storm and thereby expose it to the destruction of life and property that would necessarily ensue, but await till the united voice of his people should invite him with overwhelming effect. All he now asked was, that Ministers would allow Spain to end its own quarrels, which England might prolong indefinitely but could never hope to end without exterminating the adherents of Don Carlos. He would appeal to the true English spirit which upheld liberty at home, and beseech it not to lend itself to the attempt to crush it abroad, to serve the private purposes of any faction, foreign or domestic. In conclusion, he would warn Ministers that if they persevered in their present policy he would steadily oppose whatever measures they might propose with which to follow up their most mistaken views of the objects of the Quadruple Alliance.

Mr. *Charles Buller*, in explanation, said, that he ought not to have accused the noble Lord of "seeking a pretext" to quarrel with his supporters for the sake of forming a coalition with the other side of the House. That was language which he ought not to have employed.

Colonel *Evans* said, since his return to England he had been most anxious for an opportunity to explain and disabuse the House and the country of many erroneous impressions, which had been the result of a number of unfounded statements that had passed current owing to the accident of his not being here to answer them; but though he was thus anxious to go into the subject, he was aware that this was not the moment at which, in his opinion, the House would be disposed to admit the discussion. He, however, was entirely in the hands of the House. Whatever was the pleasure of the House with respect to this matter, he was willing to obey it. He would only say that many hon. Gentlemen had requested him not to go into the subject at this time, and if he did not, he hoped that neither his hon. Friends around him nor his Friends out of the House, who were disposed to support the cause in which he had been engaged, and to which he felt himself most deeply attached, nor the hon. Gentlemen opposite—he hoped that no man would attribute his abstaining from the discussion to any want of confidence in the statements which he had it in his power to make. In deferring to the wish of this House, which he thought he could not mistake, and which he understood to be an anxious desire to avoid any unnecessary difference or unpleasantness in concurring with the Address in reply to her Majesty's most gracious Speech, he hoped that hon. Gentlemen, seeing the reason that influenced him, would have the kindness to afford him an early opportunity of meeting the question.

Report agreed to, and the Address ordered to be presented to her Majesty by the whole House.

ELECTION COMMITTEES.] Mr. *C. Buller* rose for leave to bring in a Bill of considerable importance. He could not say that he thought it likely he should be able to carry it through the House without much opposition and discussion; but he must declare, on the experience of Gentlemen of all parties, that he did flatter himself in a matter like this, in which justice was the interest of every Member of this House, those feelings of honour which were prevalent among Gentlemen would induce them to give up that lamentable party feeling which had brought their conduct on these questions into disrepute in the country. He hoped, from the indication he witnessed of an improved temper in the House, that they would endeavour to establish a tribunal such as would not subject them to the reproach which was now directed against their Election Committees. The plan which he was about to bring in, and which he brought in under the direction of the Committee of which he had the honour to be the chairman, was the result of their mature deliberation, and was before Parliament in the course of the last Session. During that Session he did not succeed in getting it discussed, but it was printed and placed in the hands of hon. Members. His present plan was different from that of last year only in this respect, that it did not make any alteration which involved considerable complication; it did not renew the attempt which had been made, very properly, to get rid of the present system of composing Election Committees from the whole House, and substitute a smaller number whose attendance could be compelled. Though he submitted that the House would do well to adopt that plan, he did not propose to endeavour to establish it at the present moment. In other respects the measure he now introduced was the same as that of last year. Under these circumstances he did not consider it necessary for him to go into any explanation of the details. The Bill having been brought in on the report of a Select Committee, he thought he had a right to ask that it be printed. He trusted that every facility would be afforded to the passing of the measure, which would get rid of an evil of the most crying and disgraceful description. The hon. and learned Gentleman concluded by moving for leave to bring in a bill to alter and amend the law relating to controverted elections.

Mr. *O'Connell* said, that perhaps this would be the most convenient time for him to state why he had given notice of a motion to the same effect: and he should do so very briefly. It appeared to him that the plan of deciding a mode of trial as it was stated by the hon. and learned Member for Liskeard was not such a one as would do away with the substantial objection. The substantial objection was, that they had the same parties jurors and prosecutors; that, hitherto, had been the objection to the whole House being concerned in those trials. The Grenville Act removed the mischief for a considerable period, but for a long time it had been renewed in another shape. His plan was just this—he should propose to bring in a Bill authorising the Speaker when a petition was presented, to name, on his own responsibility, five persons as a Committee to conduct and manage the trial of that petition. He should propose that those five persons should retire as a Committee to receive the petition and counter-statement of the petitioners, and the statement of the sitting Members; that the Committee having received those statements and counter-statements, as the present Committees did, should retire and make an abstract of the different facts and points in controversy, and make that abstract numerical; that the parties should then be called before the Committee, that they should be furnished with copies of the abstract, and that they should be required to state their objections, if any, or any reasons they might urge, why they consider it necessary to enlarge the number of the questions. The Committee then, after hearing counsel on both sides, would decide what the questions should be, and having so done, they would report those questions to the House, whereupon the Speaker would issue his warrant to the Court of Queen's Bench, in the nature of an order issued out of the Court of Chancery for the trial of a feigned issue. The Speaker's warrant would be for the impannelling of a special jury before the Chief Justice, and the trial would take place before the Chief Justice and the special jury and the five persons who comprised the Committee, whose duty it would be, to report to the House the proceedings and decisions of the jury,—the decision of the jury to be decisive as to the seat. The House would thus have the opportunity of making itself master of what was the law laid down by the judge, and what were the facts on which the jury founded their verdict. He also proposed that litigious persons should be punished with costs, and that a distinction should be made between those who were and those who were not of that character. He must admit that this plan of his was liable to many objections—he did not pretend to bring it forward as a perfect one—but it was the best he could suggest; and the only thing he asked was the permission of the House to lay it upon the table, that they might consider it without any one being in the slightest degree pledged to acquiesce in it. The course he meant to pursue was, after the motion of the hon. and learned Member for Liskeard had been carried, to submit his proposition.

Mr. *Williams Wynn* said, he did not rise to urge any objection to the introduction of the Bill, but he deprecated applying the proposed system to any of the petitions already presented. He hoped the House would not, without the greatest deliberation, pledge itself to this or any other scheme.

Leave was given to both hon. Members to bring in their Bills.

SHERIFFS' COURTS.] Captain Pechell moved for leave to bring in a Bill to give to Sheriffs' Courts jurisdiction over all debts under fifty pounds.

The *Attorney-General* said, that extensive measures of Law Reform were now in preparation, under the direction of the Lord Chancellor and the Judges; and he trusted that, under such circumstances, the gallant Captain would consent to postpone his motion.

Captain *Pechell* could not consent to postpone his motion, except the Attorney-General would himself give notice of a Bill for the object of his motion.

Mr. *Goulburn* would suggest to the gallant captain whether it would not be better to leave law reform to the gentlemen whose proper province it was, especially after the declaration that the matter was under the consideration of the Lord Chancellor.

The *Chancellor of the Exchequer* trusted that the hon. Member having been assured that Government was engaged in the most solemn manner with the subject of his motion, would consent to postpone it. The hon. and Gallant Member would not be concluded by whatever measure might be brought forward by the Government; undoubtedly not, but he would ask the hon. and Gallant Member to wait until the Government measure was brought forward, and if it should require amendment it would be quite competent in the hon. Member to propose it. If the Gallant Captain were inclined to blame the Attorney-General for not bringing forward a motion on the subject, he ought to recollect that the Attorney-General had sat in that House, night after night, to obtain an opportunity for the discussion of a Bill in which the entire public was interested. And was he to be held responsible for the delay, for which he was not at all to blame? Under all the circumstances, he (the Chancellor of the Exchequer) trusted that the Gallant Captain would postpone his motion.

Captain *Pechell* consented to follow the advice of the Chancellor of the Exchequer and postpone his motion, but he would not relinquish it. He knew the value of perseverance. He should never have carried his Bill for the abolition of tithe on turnips—were it not for the manner in which he persevered.

Motion postponed.

Law of Coverture.] Capt. *Pechell* moved for leave to introduce a Bill to amend the Law of Coverture. He was prompted to this step by the representation of tradesmen, more particularly at watering places who, to the number of 230, had signed a petition to the Legislature, praying for some legislative protection from the conduct of women whose husbands were separated, and living away from them, contracting debts in their own name and character, and afterwards setting up the plea of coverture, and defeating the claims of their creditors by the present system of the law which exonerated women under such circumstances from paying their debts.

Mr. *Goulburn* would leave it to the Attorney-General to say whether the motion of the gallant Captain had been sufficiently explained to the House to induce it to alter the law which made the husband liable for the debts of the wife. Such an alteration he thought would only make things worse. The gallant Captain had certainly given a very insufficient reason for altering the ancient law of the land. In his opinion the Bill was proposed merely for the purpose of settling some point of law on which the gallant Captain and the Attorney-General were at issue—and he thought they should settle the point between themselves, and not needlessly occupy the time of the House.

The *Attorney-General* confessed he very much deplored that such a notice had been put on the paper. It would, if the hon. and gallant Member were successful, lead the House to interfere very improperly with a question of great difficulty, if not occasion the subversion of a fundamental principle of the law of England, as respected the non-liability of married women. He never would turn a deaf ear to the representations of the trading community; but on the present application to the House it should be recollected that even by the hon. Member's own confession the evil was most frequently experienced at Brighton and the watering places, owing to the great competition amongst the tradespeople, and the facility thus afforded to almost every description of people of obtaining credit. There was but one safe principle recognised by our law upon this head, and that was that the wife or *femme couverte* could generally have no property, except by positive settlement and limitation to her own use. To disturb this principle of law would be highly impolitic. As to the too great laxity of tradesmen in giving credit, it would be vain to expect any other line of conduct from them in the present state of trade, and the competition that prevailed but too generally under the existing law of debtor and creditor. He was encouraged to hope a corrective would be given to that improvidence, arising from a too great eagerness for profits, by a Bill upon the subject of imprisonment for debt, which he confidently anticipated would shortly become the law of the land. He had another objection to the motion, which was, that he felt it would little redound to the credit of that grave assembly to be rendered a sort of debating club upon speculative questions like the present. For all these different reasons he felt indisposed to give his sanction to any Bill of this description, and he, therefore, would suggest to the hon. and gallant Member that it would reflect credit upon his sense of discretion if he would withdraw his motion.

Motion withdrawn.

INNKEEPERS' LIABILITY.] Captain *Pechell* said he had now a motion to make which his sense of duty would not permit him, even in deference to the high authority of the Attorney-General, to withdraw, should he dissent from the motion. The Bill, of which he had given notice last night, was a Bill for the protection of innkeepers and licensed victuallers from their present liability to make good all losses of property of travellers or lodgers virtually in the custody of such innkeepers by the existing law. He should, however, make an exception in all cases in which the property of the lodger or traveller was actually given for safe custody into the hands of the landlord, or his authorised servant. He moved for leave to bring in the Bill.

Colonel *Sibthorp* must give the motion his humble opposition upon urgent public grounds. It would be, in his mind, highly injurious also to the innkeeper's interest that the property of the inmate should not be placed under the implied special protection of the owner of the house. It would rob such parties of the security for their property which now brought them to frequent such houses, and enabled the owner to keep them open and provide for their families out of the high profits of such inns and licensed houses.

Sir *George Strickland* thought, such a Bill as that introduced by his hon. and gallant Friend ought to be duly examined, and the motion should, therefore, have his support.

Mr. *Williams Wynn* objected to altering the liability under which licensed victuallers were placed by the law of England in respect to the property of travellers lodged and entertained in such houses.

Mr. *Wakley* thought the House, in fairness to the hon. and gallant Member, ought to permit this Bill to be placed on their table in order to its being fully discussed.

Mr. *Hume* said, it was far from desirable that any alteration should be suffered in this law which would relieve the landlord of such houses from all such liability. He was not averse to the modification of it, under proper restrictions.

The *Attorney-General* said, he had a strong indisposition to interpose, in this instance, his opinion, as it was averse to the proposed alteration, lest the hon. and gallant Member should imagine he was jealous of any of those attempts made by others to accomplish reforms in our laws. But he assured him he participated in no such feeling, he saw no reason for making the alteration, for, as the law stood now, no inmate of an inn could maintain a claim against the licensed victualler or hotel-keeper for property which had never been on the premises, which be it observed, was the primary objection stated by the hon. and gallant Officer to the continuance of the landlord's present liability; because, in point of fact, the claimant must give evidence that the property had been in the legal safe-keeping of the innkeeper, or on the premises, before he could maintain an action for its recovery; and finally the whole of such evidence, with the cross examination of witnesses supposed to be interested, must of course be submitted to the jury before a verdict would be pronounced for or against the claim.

Viscount *Sandon* said, that it was desirable that the Bill should be so modified that the landlord should not be liable beyond a certain amount, unless there existed a special contract between the parties.

The *Solicitor-General* said, that the difficulty of the hon. and gallant Officer's Bill would be in fixing the amount for which the victualler should be liable. He did not see why a special contract should not be made in the case of the victualler as of the carrier.

Sir *E. Sugden* thought the suggestion of the hon. and gallant Member was not practicable. In the case of the innkeeper, the outer door was generally open, and it would be impossible for the party leaving his goods to watch them himself. The responsibility lay with the innkeepeer, and he thought it was better for all parties that that responsibility should continue. If it were taken awa , parties who now resorted to inns, would go to lodging-houses.

The House divided;—Ayes 32; Noes 97; Majority 65.

List of the AYES.

Bailey, J.
Baring, F. T.
Bewes, T.
Brotherton, I.
Busfield, Wm.
Collier, John
Collins, W.
D'Eyncourt, C. T.
Douglas, Sir C. E.
Finch, F.
Gillon, Wm. Downe
Grimsditch, T.
Hindley, C.
Ingham, R.
Leader, J. T.
Lister, E. C.
Maule, W. H.
O'Brien, Cornelius
Potter, R.
Ramsbottom, John
Salwey, Col.
Sandon, Visct.
Smith, J. A.
Thornley, T.
Turner, E.
Turner, Wm.
Vigors, N. A.
Vivian, J E.
Wakley, T.
Walker, R.
White, A.
Yates, J. A.

TELLERS.
Pechell, Captain R.
Strickland, Sir Geo.

List of the NOES.

Acland, Thos. D.
Aglionby, H. A.
Attwood, W.
Bagge, W.
Baines, Edward
Barrington, Visct.
Bateman, John
Beamish, F. B.
Benett, J.
Berkeley, hon. F.
Blair, James
Blake, W. J.
Blennerhassett, A.
Briscoe, J. I.
Brodie, W. B.
Bruges, W. H. L.
Bryan, G.
Buller, Sir J. Yarde
Burroughes ,H. N.
Chute, W. L. W.
Clay, William
Clive, hon. R. H.
Cripps, J.
Darby, George
D'Israeli, B.
Duke, Sir James
Easthope, John
Eaton, R. J.
Erle, William
Estcourt, T. G. B.
Farnham, E. B.
Fielden, J.
Ferguson, Sir R. A.
Ferguson, R. C.
Fitzroy, hon. H.
Fort, John
Gaskell, Jas. Milnes
Gibson, James
Gladstone, Wm. E.
Goulburn, H.
Grimston, Visct.
Grimston, hon. E. H.
Hay, Sir A. Leith
Hayter, W. G.
Heathcote, Sir W.
Heneage, E.
Hinde, J. H.
Hodgson, R.
Horsman, E.
Howard, F. J.
Hughes, W. B.
Hume, J.
Inglis, Sir R. H.
Jervis, S.
Johnston, W. A.
Jolliffe, Sir W.
Jones, Wilson
Kemble, Henry
Knatchbull, Sir E.
Litton, Edward
Lockhart, A. M.
Lushington, Charles
Mackenzie, W. F.
Macleod, R.
Marsland, Henry
Maxwell, H.
Mordaunt, Sir J., Bt.
Morris, David
Murray, rt. hon. J.
O'Brien, W. S.
Parker, R. T.
Parnell, Sir H.
Pease, J.
Perceval, G. J.
Philips, Mark
Plumptre, J. B.
Rae, Sir Wm. Bart.
Richards, Richard
Rickford, William
Rolfe, Sir R. M.
Rundle, John
Shaw, Frederick
Sibthorp, Col.
Stansfield, W. R. C.
Stewart, James
Stuart, H.
Sugden, Sir E.
Vere, Sir C. B.
Wallace, R.
Warburton, H.
Wilberforce, W.
Williams, W.
Wilmot, Sir J. E.
Wood, Thomas
Wyndham, W.
Young, J.

TELLERS.
Campbell, Sir J.
Wynn, rt. hon. C. W.

ACCOMMODATION IN THE HOUSE OF LORDS.] Sir *Eardley Wilmot* wished to call the attention of the House to the want of accommodation for the Members of the House of Commons in the House of Lords. He was ready to admit that the presence of the Members of that House in the other House was a matter of permission, not of right, but having had that permission for some time, and having lately met with great difficulties and inconveniences in going into the other House, he wished, if possible, to remedy the evil. It would be recollected, that in the former House of Lords, the Members of this House were accommodated both behind the throne, and below the bar of the House. The accommodation near the throne was taken away, but that he did not complain of; what he complained of was that which happened to himself and others who might have a wish to go into the House of Lords, that they could neither get within sight or hearing of their Lordships, the space at the bar being constantly filled by strangers, chiefly parliamentary agents. This House did every thing in its power to accommodate the House of Lords, and that House ought in return to do something to prevent the inconveniences which Members of this House experienced when they went to the other House. He had a motion on the order-book on this subject, but it was suggested to him that some means might occur to the Speaker by which a communication might be made to the other ouse which would render the motion unnecessary. If such communication were made and not attended to, he would certainly make a motion by which he would endeavour to put the two Houses on an equal footing as to convenience; and if the other House refused to afford convenience, he would use his privilege as a Member of this House to object to convenience being afforded to the members of the other House. He would ask the Speaker whether he thought the subject could be settled without making any specific motion.

The *Speaker* said, that the hon. Baronet must be aware that this was a matter in which the House of Commons had no positive right to interfere. It was a matter which entirely reted with the courtesy of the other house. Whether the other House would be inclined to afford additional accommodation upon a communication being made to them, was a matte which must rest entirely with themselves. The House might, if it thought proper, deprive the other House of the accommodation now afforded them ; but that would be an extreme case. This House could have no control in the matter referred to by the hon. Baronet.

Mr. *Williams Wynn* said, that the House must be aware that they stood in rather a peculiar situation, inasmuch as they had turned the House of Lords out of the House in which they used to assemble. They should recollect that the present House of Lords was a much smaller House, and the question really was, whether the House of Lords had it in their power to afford other accommodation than that now afforded. If they had the means, he had not the least doubt but that they had the wish to do so.

Mr. *Wakley* was glad the subject had been noticed, as he thought the arrangements in both Houses were very different. He did not see why any difference should exist in the nature of the accommodation afforded by one House to the other. If Members of this House went to the House of Lords to gratify their curiosity, no seat was provided for them, they were under the necessity of standing at the bar, and frequently the number of strangers were so great that the Members of this House had no opportunity of seeing or hearing. Again if they took bills to the other House eight members must go and present them, whereas, if they came from the other House, they were sent by a messenger. This was done, not from any old custom, but in conformity with the written rules of the other House. Again, in conferences—

The *Speaker* called the hon. Member to order. There was no question before the House.

Sir *E. Wilmot* said, his motion, if he had made one, had nothing to do with the subjects referred to by the hon. Member for Finsbury. The only object he had in view was to afford convenience to the Members of this House attending the other House as other strangers. He was very loth to make his motion, because he was informed from good authority that, after what had been said here last night, it was very possible that something would be done for the convenience of the Members of the House of Commons. This being the case, he was only anxious to give publicity to the feelings of the House, in order that their convenience might be consulted. He did not think it necessary at present to bring the matter before the House.

Subject dropped.

RAILWAY COMMUNICATION.] Mr. *Wallace* rose to move for the appointment of a Select Committee to inquire into the causes of the irregularities and delays which have taken place in the transmission of the mails by the railway from Birmingham to Liverpool. It was perfectly well known what great regularity existed under the old mail-coach system in the transmission of the mails, but some irregularities had crept into the new system, the causes of which he was anxious to have investigated by a Committee of the House. Instead of arguing the question he would state a few facts. The first railway which had been used on a large scale for the transmission of the mails was that between Birmingham and Liverpool. At first the mails arrived very nearly within their time, but since then they had been gradually losing more and more time, until at length there was a difference of two hours between the time they ought to arrive and the time they really arrived. This had been the cause of great inconvenience, and in Scotland particularly, in consequence of this irregularity, a day was lost in the return of the post. He did not throw blame on any one ; he did not know on whom the blame, if there was any, rested. He had merely stated facts which he was prepared to prove before the Committee, if it were granted. Under these circumstances he would content himself with moving for the Committee in the terms of his notice.

Mr. *F. Baring* said, he doubted whether the subject embraced by the motion of the hon. Member was of sufficient importance to deserve investigation at the hands of the House. The House must recollect that in the commencement of so great an undertaking they must naturally expect some accidents; and he thought that it was scarcely worth the attention of the House, under the circumstances, either to pass censure upon, or to take means to ascertain, the causes of these accidents. One subject connected with the conveyance of the mails by railroads was under the consideration of the Government, and because in his opinion, a very serious question, and one which ought to be brought before a Committee of that House for the purpose of taking their opinion upon it. The House would observe that the moment the mails were conveyed by the railways, from that moment they put down the mail-coaches, and they would be left in this situation, that the proprietors of the railways would have an entire monopoly of the road. There would be no possible means of any thing like competition, and of thereby meeting the demands which they might choose to make. He did not wish to make any invidious observations, nor was he connecting this subject with the railway in question; but cases might occur, and must occur before long, of the nature he had stated, and he thought it was a fair subject for the consideration of the Committee of that House, to inquire what means should be taken and what power given to the Government for the purpose of procuring for the public the use of those railroads which by act of Parliament were allowed to be constructed. With this view he would, on a future occasion, propose the appointment of a Committee on this subject, if the hon. Member for Greenock would have no objection to withdraw his present motion.

Motion withdrawn.

SITTINGS OF THE HOUSE.] Mr. *Brotherton* believed it would be generally admitted that it would be very salutary both for the health of the Members themselves, and for the efficient discharge of the public business, that some limit should be put to the hours at night, or rather morning, to which the debates of this House should be protracted. He believed there was no other country in the world, whether in Europe or in America, which transacted the business of the public at night. Even in this country it was the practice formerly to meet as early as eight o'clock in the morning and he found an order on the journals declaring that the House should not continue to sit after six in the evening. The object of the motion which he was now about to propose was, that the House should not on general occasions sit much after twelve o'clock at night. To effect this he proposed that when any new motion was brought forward after twelve o'clock, if any five Members were to rise in their places and object to going on with it, the Speaker should have the power to postpone the subject and proceed at once to the other orders of the day. This proposition would not be open to the objection which was urged against an unconditional adjournment of the House at a certain hour, a proceeding which he admitted would, in many cases, produce much inconvenience. He did not wish to give one individual the power to inconvenience the House, and impede public business, by adjourning the House on all occasions, but he thought that when any new motion was being brought forward after twelve o'clock at night, if a certain number of Gentlemen objected to entering on the subject at such an hour, it should be postponed, and the other business of the House gone into. Having made these few observations, he would conclude by reading his motion:—"That it being desirable, except in particular cases, that the sittings of this House should not be continued after midnight, resolved, that when any motion is brought on after twelve o'clock at night, and a Member rises to speak to order, and moves that the further debate on such question be adjourned to a future day, such motion being supported by four other Members rising in their places, Mr. Speaker shall immediately declare the debate adjourned without putting the question to the House, and proceed to the other orders of the day."

Mr. *Hindley* seconded the motion, and said that, with the leave of the House, he would adduce an authority in favour of it. In the second report of the Poor-law Commissioners it was stated that much inconvenience had arisen from the evening sittings of parish boards, and that since the practice had been altered, and early meetings had been enforced, much advantage had resulted. Hon. Gentlemen might laugh, but he knew that the reports of the Poor-law Commissioners were esteemed high authority by many hon. Gentlemen; and he, therefore, hoped the statement which he had made from that source would have its due weight on the present occasion. The right hon. Member for Montgomeryshire had frequently admitted that owing to late sittings many Bills had slipped through Parliament without the investigation which their importance deserved, and this, as well as the general inconvenience which resulted from it, induced him to give his support to the proposition of his hon. Friend, the Member for Salford.

Mr. *Goulburn* regretted that there was no Member of the Government present to deliver any opinion on the subject which the hon. Member for Salford had brought under consideration. It was, however, a matter in which every Member of that House was interested; and for his own part he had no hesitation in saying that, instead of adopting the proposition of the hon. Member for Salford, he would prefer adhering to old rules and long practice. But what was the alteration which the motion of the hon. Gentleman proposed? Why, that any Member of that House should be at liberty to rise to order, and then not to speak to order, but to make a motion for the postponement of another question. This, he must say, was directly the contrary of that which had always been the practice of that House. If such a proposition were adopted all he could say was, that the fair discussion of every question might at any time be prevented. No doubt the hon. Member for Salford in bringing forward his motion had the health of the Members in view; but, instead of attempting to make new rules, he thought it would be far better to leave the matter as it stood, and trust wholly to the feeling and good sense of the House. They must all be aware, at least all those who had any experience in Parliament must know, that there were periods of the session when it was indispensable that much of the public business should be transacted after twelve o'clock. Unless this could be done, it was obvious that many important matters must stand still from week to week, to the great inconvenience of the parties concerned, if not to the public service; and yet, with this fact before them, they were called upon to concur in a motion by which, if any one Member wishing for the postponement of a given subject was supported by four other hon. Members, the Speaker would be compelled to declare the question adjourned to a future day. He certainly was averse to the motion, and therefore, hoped the hon. Member for Salford would consent to withdraw it.

Mr. *Potter* suggested, that the motion of his hon. Friend, the Member for Salford, contained an exception which would prevent the possibility of inconvenience arising from it.

Mr. *Pease* said, that his Parliamentary experience convinced him that the proposed regulation would be impracticable, and he was therefore opposed to laying down any general rule.

Mr. *Wakley* said, that in his opinion the hon. Member for Salford proposed to extend their sittings five hours too late. They should adjourn at seven instead of twelve: and they ought to begin business at an earlier hour of the day to enable them to do so. In ancient times eight o'clock in the morning used to be the hour of meeting. This was the case two hundred years ago—quite a modern date for Gentlemen who were enamoured of ancient institutions. He should be glad to have the opinion of the Speaker, after his long experience of the course of nocturnal depredations carried on here on the pockets of the people, whether so injurious a system should not be altered The fact unfortunately was, that out of the 658 Members of which this House was composed there were some 400 or 500 loungers, who just looked in late at night to see what was going on, and then went back to their friends or their clubs. This was not working faithfully for their constituents, whilst those who did their duty to their constituents by regular and constant attendance were injuring their own health by their protracted sittings, and after all not doing the business of the country so well as if they met earlier and went away sooner. What was to prevent them from meeting at ten o'clock in the day? It might be said that there were many Gentlemen in the House whose professional avocations would not allow them to come at that hour. Then he would say, that such men had no business to be Members of Parliament. The representatives of the people should not come here to do the public business when they were worn out by their own private business of the day or excited by the convivialities of the evening. He had seen many hon. Members come in at eleven o'clock, and he grieved to say it, excited to a considerable degree in this manner, and then immediately proceed to give vent to their impatience by all sorts of disagreeable noises, as laughing, hissing, groaning, and so forth; and this was really what was no longer to be tolerated in a place of this kind. He really hoped that something would be done before long to remedy this notorious and growing evil.

Mr. *Warburton* said, that many of the most important debates in that House were, in form, debates upon Amendments on Motions. Now, in the case where an Amendment of this kind was disposed of a few minutes before twelve o'clock, it would be in the power of any five Members of the House, if this motion were agreed to, to postpone the division on the main question, which in fact then became a new motion, but which was the very point to which they had been debating all the evening. Thus would the whole object of their meeting be defeated, and they would have to go over the whole matter again. Even, therefore, if he approved generally of the proposition to give any five Members the power to prevent the introduction of a new motion after twelve o'clock, which he would not say he did agree to, such a proposition would never be agreed to in the form in which it was now put to the House.

Mr. *Shaw* put it to the House whether any Government could carry on the business of the country if such a proposition as that now before them were to be acted upon. He would ask, was it not possible that there should always be five Members who, in order to thwart the proceedings of Government, would come down night after night, and rise in opposition to every stage of every Bill, and every matter of business, which might be moved after twelve o'clock? If the hon. Member for Salford were desirous of restricting the sittings of the House to twelve o'clock, let him submit a proposition to that effect fairly to the consideration of the House, and not attempt to accomplish it by so clumsy an expedient as the present.

Mr. *R. Steuart* said, that although the motion excepted particular cases, the hon. Member had omitted to state what were the particular cases in which the rule was to be omitted. Again, as the right hon. Gentleman the Recorder for Dublin, had said, there might be five Members who might wish to arrest the business, and what was to prevent them from rising upon each order of the day to move an adjournment upon each order of the day? Thus bills, which were waiting for a third reading, and which had not been opposed in their former stages, might lay over from week to week to the serious inconvenience of the public service. There were many objections which, he hoped, would induce the hon. Gentleman to withdraw his motion, even if he were to renew it.

Mr. *Williams Wynn* felt the strongest objection to the motion, which would enable five Members to dictate to the House. There might be five Members who might say, "We think the ballot ought to be granted, and until the House agrees to it we will move adjournments from day to day." He was putting an extreme case, but the mere possibility ought to dissuade the House from adopting the proposition.

Mr. *Francis Baring* observed, that from the situation which he had the honour to hold, and the nature of the business he had to conduct, the carrying of the present motion would as a matter of personal convenience be greater to him than any other hon. Member in that House; at the same time he must say, that he could not conceive any motion more calculated to impede the progress of the public business than the one now proposed for adoption by the hon. Member for Salford. No doubt it was desirable that public business should not be proceeded with after twelve o'clock; but was it not likely, if five hon. Members were to have it in their power to move the adjournment of a question, and that the House was then to proceed according to the words of the motion of the hon. Member for Salford, was it not possible, nay, very probable, that five other hon. Gentlemen might go on to take a similar objection to the next order on the paper, and the whole of the remaining orders of the day might be postponed by this course of proceeding to the great detriment of parties, and to the serious delay of the business of the House? He trusted after what had passed, that the hon. Member for Salford would not persevere in his motion, but rest satisfied with following a similar course to that which was pursued in the last Session.

Mr. *S. O'Brien* trusted the hon. Member would not consent to withdraw his Motion. He thought, however, some modification in the wording of the resolution was necessary, in order to meet the objection of the hon. Member for Bridport (Mr. Warburton,) that the previous subject under debate should not be affected by the resolution.

Mr. *Brotherton* replied. His motion was framed with the view of preventing business of importance only from being discussed after twelve o'clock. He was really surprised that the Members of that House should be paid so bad a compliment as to suppose that any five of them could be found to adjourn the House without just cause. He had drawn up his motion in such terms as would meet the objections which had been urged by those who now deserted him. He despaired of being able to draw up a motion which would be agreeable to all hon. Members, and he should, therefore, take the sense of the House on the principle that no public business of consequence should be transacted after twelve o'clock.

The House divided—Ayes 26; Noes 76: Majority 50.

List of the AYES.

Briscoe, J. I.
Busfield, W.
Collins, W.
Duke, Sir J.
Fielden, J.
Gillon, W. D.
Godson, R.
Guest, J. J.
Heathcote, J
Hume, J.
Johnston, General
Kinnaird, hon. A. F.
Leader, J. T.
Lister, E. C.
Marsland, Henry
Morris, D.
O'Brien, C.
O'Brien, W. S.
Potter, R.
Stewart, James
Turner, Edmund
Turner, William
Wakley, T.
White, Andrew
Williams, W.
Yates, John A.

TELLERS.

Brotherton, J.
Hindley, C.

List of the NOES.

Acland, T. D.
Aglionby, H. A.
Baines, E.
Barrington, Visct.
Bateman, John
Beamish, Francis B.
Berkeley, hon. F.
Blennerhassett, A.
Bowes, J.
Broadley, Henry
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, Daniel H. D.
Chaplain, Colonel
Creswell, Creswell
Darby, George
Douglas, Sir C. E.
Dowdeswell, W.
Dundas, Frederick
Easthorpe, John
Estcourt, T.
Estcourt, T. G. B.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fitzroy, hon. Henry
Foley, Edward T.
Forrester, hon. G.
Fort, J.
Fremantle, Sir T.
French, Fitzstephen
Gladstone, W. E.
Goulburn, Rt. hn. H.
Grimsditch, Thomas
Halse, James
Hay, Sir A. L.
Hayter, W.
Heathcote, Sir W.
Heathcote, G. J.
Hodgson, Richard
Hope, George W.
Horsman, E.
Howard Ralph
Hughes, W. B.
Inglis, Sir R. H.
Jones, Wilson
Litton, Edward
Lushington, C.
Mackenzie, W. F.
Mordaunt, Sir John
Neeld, Joseph
O'Callaghan, hon. C.
Parker, Robert T.
Pease, Joseph
Pendarves, E. W. W.
Perceval Col.
Pinney, William
Plumptre, John P.
Rae, rt. hn. Sir W.
Rice, E. R.
Salwey, Colonel
Sandon, Visct.
Seymour, Lord
Shaw, rt. hon. F.
Shirley, Evelyn J.
Speirs, A.
Stansfield, W. R. C.
Strutt, Edward
Thornley, T.
Vere, Sir C. B.
Wallace, Robert
Warburton, Henry
Wilberforce, William
Wyndham, Wadham
Wynn, rt. hn. C. W.
Young, John

TELLERS.

Baring, F.
Steuart, R.

HOUSE OF COMMONS,

Wednesday, November 22, 1837.

The House only met to carry up the Address, and transact some formal business.

HOUSE OF LORDS,

Thursday, November 23, 1837.

MINUTES.] Petitions presented. By the Earl of BUTE, from Carmarthen, against the present rates of Postage.

COLONIAL SLAVERY.] Lord *Brougham* rose to present a petition signed by upwards of 1,300 respectable inhabitants of Southampton, complaining of the non-execution of the provisions of the Slavery Abolition Act. The petitioners stated, that great imperfection was observable in the execution of the Act, and that universal disappointment was felt, in consequence of the colonies not having taken such steps as ought, and well might have been adopted, for putting an end to slavery, after the grant of 20,000,000*l.*, which had been generously, rather than justly, made to them by the people of this country. Having performed their part of the compact, the petitioners thought the people, who had advanced so large a sum of money, had a right to call on the colonies to execute theirs, and to remove, without delay, the evils of slavery. He was himself of opinion that full freedom might immediately be granted to the slaves without any ill effect whatever. The experiment had been tried in one, and a most important one, of these colonies, where entire and perfect freedom had been extended to the slave population on the instant. He alluded to the island of Antigua. The proprietors there did not wait till 1840, but at once converted the negro apprentices into absolute freemen. On the first of August, 1834, the same day on which the new law came into operation, the local legislature framed a Bill by which the fetters were absolutely, instantly, and entirely struck off from every slave. Freedom was at once given to 30,000 unfortunate slaves in that colony.

He might be asked, how far that virtuous measure had succeeded, and whether it had proved to be wise as well as virtuous? In answer to that, he would say, that he believed, (and the accounts which he meant to move for would show whether he was right or wrong) that the experiment—he could not state the fact more strongly—had succeeded as well as it deserved to succeed. As a proof of this, he could adduce several important facts—1st, that property in the colony had improved in value; 2nd, that with few exceptions, no difficulty was found in procuring labourers, and not, in any case, to a greater extent, than was occasionally and partially felt in this country, during harvest, to get the required number of hands; 3rd, that offences of all descriptions, from capital offences, down to crimes of less magnitude, had diminished in this colony; and 4th, that the average export of sugars from Antigua for three years after the liberation of the slaves had been considerably increased. The average exports of sugar from that colony for three years prior to the removal of slavery amounted to 165,000 cwts., while the average exports for three years (1834-5-6), subsequent to the removal of slavery, amounted to 189,000 cwts. making a difference of 24,000 cwts., or one-seventh of increase on free labour as compared with slave labour. It might, perhaps, be supposed, that this increase was owing to favourable seasons; but the contrary was the fact, for two of the seasons were unpropitious, and in 1835 the drought was so excessive, as to render the importation of water necessary for the inhabitants. When the papers which he meant to call for were laid before their Lordships, he conceived that he should have a right to call on the other colonies to explain why they had not followed the example so virtuously, as well as so successfully, set them by Antigua. As the noble Secretary for the Colonies was absent, he would move for those papers on the following day.

Petition laid on the Table.

Reform Bill.] The Duke of *Norfolk* presented a petition from Sheffield, pointing out the defects in the registration clauses of the Reform Bill, and praying for their amendment.

Lord *Brougham* had been requested to support the prayer of the petition, and could bear testimony to the great respectability of the petitioners. No objection could, he thought, be urged against correcting such defects as had by chance or oversight crept into the measure, and were found by experience to operate injuriously. He should not, however, be doing justice to himself, or to his old colleagues, in speaking on matters connected with this subject, if he did not, at the same time, state that he did not think, that mere corrections and amendments in the details of the Bill would suffice to render that measure practicable and effective for producing the great end which was had in view by those who framed the Bill, by those who supported it, and by those who adopted it—namely, the securing to the people of this country a free and full representation in the Commons House of Parliament. Experience had plainly shown the absolute necessity of amending the measure in some important particulars, and he alluded especially to the elective franchise. He was as firmly convinced, after the experience they had had, of the necessity of such an amendment, as he was at the time when their Lordships adopted the Bill, of the necessity which existed, for passing the measure itself.

Petition laid on the table.

HOUSE OF COMMONS,

Thursday, November 23, 1837.

Minutes.] Petitions presented. By Sir Charles Lemon, from Cornwall, against the present Duchy duty on tin.—By Mr. J. Parker, from Sheffield, for a measure promoting General Education; also for amending the Registration Act.—By Sir Edward Sugden, from a place in Yorkshire, against the Marriage and Registration Acts of last Session.—By Mr. Baines, from Leeds, against a clause in the Municipal Corporations Reform Act.

Answer to the Address.] The *Speaker* said, he had to acquaint the House that the House had yesterday attended her Majesty with the address, and that her Majesty had been pleased to deliver the following gracious answer from the Throne:—

"I thank you for your loyal and dutiful Address. It is my anxious wish to see my people happy and united. I rely with confidence on the temper and wisdom of the House of Commons, on their resolution to support the dignity of the Crown, and their desire topromote the welfare of the whole community."

To be entered on the journals.

Election Petitions.] Lord *Stanley* said, seeing the noble Lord at the head of the Home Department in his place, I trust that I may be permitted to ask a question of considerable importance, to which hope to receive a decided and positive answer. At the opening of the Session the noble Lord announced that it was the intention of the Government nominally to fix all Election Petitions to be taken into consideration on the 12th of December, upon the understanding, however, that they should be postponed till after the holidays; and although that side of the House had objections to their postponement, yet considering the short time for which that postponement was to take place, and the inconvenience that might result in consequence of the short period that would take place between the hearing of the first petition and the adjournment of the House for the Christmas vacation, it was thought desirable on all hands that the arrangement should be carried into effect. But within the last few days it had been rather ostentatiously announced that the noble Lord would be forced, by a considerable body of his supporters, to depart from that arrangement, and not to take election petitions into consideration until after the passing of an expected measure, by which an alteration would be made in the tribunal before which their merits are tried. Now, I can say for myself, and for many hon. Gentlemen on this side of the House, that if we had had the least idea that the noble Lord would be induced to accede to any such proposition, no consideration on earth could have induced us to acquiesce in his arrangement, or admit of the delay for a single hour. I therefore ask the noble Lord, and I hope the noble Lord will give a distinct answer to the question, first, as to whether it is his intention to proceed in the regular course with the election petitions immediately after the Christmas holidays? and, secondly, whether it is his intention to apply the provisions of any bill that may be introduced this Session to the petitions arising out of the late election.

Lord *John Russell*, The noble Lord has rightly represented what I proposed to do with respect to election petitions, namely, to defer them to the 12th of December, with a view of adjourning them till after the holidays. I made that proposition from a consideration of the convenience of the House, which I thought would be interfered with if we were to proceed to the consideration of election petitions immediately before the Christmas holidays. At the same time I did not ask the House to assent to that proposition immediately because I thought it was right that every Member should be fully aware of it before he was formally called upon to agree to it. The noble Lord is likewise correct in stating that announcements have been made, whether ostentatiously or not I do not know, that an expectation is entertained that in certain cases election petitions will be postponed until some bill has passed through Parliament enacting a different mode from the present of trying the merits of election petitions. Now, all I have to state is, that I think the reason or convenience which I originally proposed for postponing the election petitions will be a sufficient reason why, and I give notice now, that to-morrow I will make a proposition for the adjournment of the consideration of the election petitions till after the holidays, on the ground of convenience, to which I think the noble Lord himself does not seem to object. With respect to the other ground, I am entirely at a loss to give any answer, because although I am perfectly aware of the law, and what might be done before the existence of a new law, yet it is impossible for me to say, that before the expiration of fourteen days there may not appear to be an evident intention to take advantage of that law to set aside, not any false returns, not any returns made by illegal voters, but to set aside a great number of elections that have been manifestly and obviously fair and legal. Now, I do not say that that will be the case, but I must say that there were indications in the month of August last—not earlier than that—which induced me to think that that may probably be the case. Therefore, with respect to the question the noble Lord asks me now, until the fourteen days have elapsed I cannot make any answer to it. But if it does appear that there is an intention to take advantage of the law for the perversion and abuse of that law. I cannot conceive, if that case is clearly and plainly made out, that this House will not at least think it a matter of grave deliberation. Whether in such a case Government would propose any measure—whether any individual Member would propose a measure, or whether the House would agree to any measure—I cannot at present answer; but when I say there are such indications which convince me that I should not be quite safe in presuming that these intentions are perfectly fair, therefore I cannot say that it is intended by those parties to abide by the fair interpretation of this law, and not pervert it to party and improper purposes.

CIVIL LIST.] The Chancellor of the Exchequer presented various papers relative to the Civil List. On the motion of the right hon. Gentleman, the following extract from the Queen's Speech was then read by the clerk at the table:—

> "The demise of the Crown renders it necessary that a new provision should be made for the civil list. I place unreservedly at your disposal those hereditary revenues which were transferred to the public by my immediate predecessor, and I have commanded that such papers as may be necessary for the full examination of this subject shall be prepared and laid before you. Desirous that the expenditure in this as in every other department of the Government should be kept within due limits, I feel confident that you will gladly make adequate provision for the support of the honour and dignity of the Crown."

The *Chancellor of the Exchequer* then said, while I most earnestly solicit the attention of the House to the statement I am about to make, I must also say, that although I never felt more conscious of my own imperfect ability to propose so important a question to the House, yet, however imperfect may be the mode in which I make my statement, I never felt a greater confidence than at present that the motion itself will be favourably received. I may rely, I am convinced, on the support of all parties in the House in consideration of the subject I bring under its attention, because, however strongly opposed on political subjects, I am convinced that there is but one feeling in the House as to the duty and the necessity of making adequate provision for the honour and dignity of the Crown—but one anxiety on the part of all classes to do all that is just and right towards our young and gracious Queen. Therefore, whatever may be the imperfections in my mode of explaining the proposition I am now about to make—whatever there may be in my arguments open to objection—yet, with respect to the proposition itself, I am satisfied that it will be received with the best feelings by Gentlemen on all sides of the House. It is my intention to propose that the subject be referred to a Select Committee. I take this course, not only because it is in conformity with that which we took in 1830, when we were in opposition, but because I think it is the course best fitted to bring this question to a satisfactory conclusion. Gentlemen will recollect that in the year 1830, upon the demise of George 4th, when the proposition was made for the grant of a civil list to the late sovereign, the proposition was met by those who now sit on this side of the House, but who were then in opposition, with the proposal to refer the subject to a Select Committee. If I did not take that course upon the present occasion, I might, perhaps, justly be taunted, as we have sometimes been taunted, perhaps, not so justly, for taking a different line as a member of the Government from that which I supported when in opposition. But whether I might or might not be exposed to that taunt, if I did not believe that the mode in which I propose to deal with this question was that which would most conduce to the satisfactory discharge of my duty, I should expose myself to the imputation of inconsistency more willingly than to that of having been betrayed into a course of conduct that might prejudice in any degree the settlement of the civil list on the accession of our Sovereign. I am sure I need not press upon the attention of the House the importance of this question, no less to the public than to the Crown. Upon a former occasion when it was discussed, incidentally, I did not take a part in the debate, for I felt that the time was not distant when it would be my more appropriate duty to enter upon it at some length; it was then suggested, that peculiar caution was necessary, by reason of the age of the Sovereign, and the anticipation in which all her people join, and none more heartily than the House of Commons, that the reign which is about to begin may not only be prosperous but long. It is on this very account, Sir, that we wish to make such arrangements as will carry us through this reign, which I hope will be as long as happy, without constant appeals to Parliament, without contraction of debt, and without those circumstances which have led in former times to so much jealousy and suspicion upon the part of the people, and which have not been without their influence in producing results prejudicial to royalty. It is because I anticipate and desire, in common with all, that the reign of her Majesty may be long, that I think it peculiarly incumbent on us to take steps for making the civil list arrangements as satisfactory as possible. But, then, inasmuch as that reign may be long, it behoves us to consider it with care, and to weigh well the steps we are about to take, because I admit, that when that step is once taken, I for one should be ready to plead that arrangement in bar of any proposal to reconsider the civil list, unless the Crown was placed in a position absolutely to require it. I shall not trouble the House with going at any length into the history of the civil list. The House is perfectly aware, and every Gentleman who has paid attention to the subject must be aware, that the arrangements relative to the civil list have been various from the reign of Charles 2nd to the present time; that at one period the hereditary revenues were supported by an additional grant from the House, and the surplus of that grant, whatever it might be, was appropriated to the purposes for which it was intended; but at another period a supplementary grant was given, and in the event of there being a surplus in the income so secured to the Sovereign, that surplus was not to be applied otherwise than by the direction of Parliament. In the reign of George 3rd, the first approach to what I consider a satisfactory arrangement of the civil list was made. In that reign the Sovereign surrendered the whole of his ordinary hereditary revenues, and received in exchange from Parliament a settled civil list. The revenues excepted consisted of the casual revenues, such as the droits of the Crown, and those derivable from the Duchies of Lancaster and Cornwall. There was afterwards an alteration as to this source of revenue in the reign of George 4th; but, generally speaking, the arrangement I have just described was not effected until the commencement of the reign of William 4th; at that period an alteration took place with regard to the hereditary revenues, and also to the management of the civil list. By the arrangement made at the commencement of the last reign, his Majesty surrendered not only what had been surrendered by his predecessors, but also the casual revenues, such as the droits and the Gibraltar revenues. Now, I know it was stated at that time, that these revenues did not amount to any very considerable sum, and I think, therefore, that I may be allowed, in passing, to state to the House that the value of the surrender made by his Majesty William 4th, amounted during his reign to a sum of 70,000*l.*, which was paid over to the public service, and forms part of the public revenue. But it was not alone in this circumstance to which I have adverted that the civil list of William 4th differed from those of his immediate predecessors, for, at that time, a much greater and more salutary change was introduced, for by the arrangement made in the reign of his late Majesty, as proposed to this House by my noble Friend (Lord Spencer), for the first time the principle was laid down, that the civil list of the Crown should be limited to those matters in which the honour and dignity of the Crown were more essentially concerned, and that it should be separated from all charges for the public services of the country. It was said at the time, and it formed one of the arguments against such an arrangement, that that change could not be made without considerable inconvenience, and some danger to the character and dignity of the Crown itself. It was said, and figures of speech were used on the occasion, that to surround the civil list of the Crown with all the attributes of the administration of justice—and even with those, Sir, which are attached to your office—was to surround it with so many safeguards and supports. But when I consider the former state of the civil list, I am led to believe that those parties were placed upon it, not for the purpose of giving a protection to the Crown, but that they should derive protection from appearing to hold their offices or appointments under the name and character of the Sovereign, that their incomes being on the civil list might be much less subject to observation, and to Parliamentary interference and control than they otherwise would be. Is there any Gentleman here present who is not ready to admit that we approach the settlement of the civil list of her Majesty under circumstances more favourable to the real interests of the Crown—circumstances that must lead us to a more satisfactory conclusion, by considering it in its present state instead of as it stood in former reigns? I know that it will deprive many hon. Members of the opportunity of introducing into the debate a number of facetious observations. I know, that on former discussions of the civil list, the House used to be taken away from the main object of debate to notice a few accidental and incongruous matters introduced into it; but if we lose any thing in the facetiousness of the debate, or in the opportunities which it may afford to Members of displaying arguments and witticisms, we gain much in the forwarding of that which is our main object—to make a provision for the Sovereign of these realms which may be proportional to the necessities of the case, at the same time, that we are not extravagant nor regardless of our obligations to the people. Do we not approach the subject more conveniently, and have we not a better mode of conducting it in the reformed state, than in the state of anomaly in which it used formerly to be presented? Nor is this all. I have to state to hon. Gentlemen, that the new arrangement, in the last reign, was not a mere exhibition of a barren principle, but that it led to useful and practical results. I have to lay before the House documents which will show the amount of reduction which has been practically the result of the improved mode of regulating the civil list in the last reign. The account which I hold in my hand is somewhat complicated, but I will state the results, and I think hon. Gentlemen will understand that the reduction has been considerable. In the reign of George 4th and his predecessors, that portion of the civil list having reference to the personal charge of the Sovereign amounted, in the first instance, to the sum of 1,156,000*l.* This sum included the civil list for England and Ireland, the Scotch hereditary revenue, and the 4½ per cent duties. This was the amount charged on the Consolidated Fund, but there were other items to be taken into the account, derivable from other sources. The civil list, therefore, at that period, must not be taken at the amount charged on the Consolidated Fund, namely, 1,156,000*l.*, but, by adding certain charges and deducting others, which will be seen correctly stated in the account, as producing an actual cost to the public of 1,193,905*l.* I will now proceed to show at what expense the same service was performed at the death of his late Majesty, and that which was previously charged to the public. The expense, as I have just stated, at the demise of the previous Sovereign was 1,193,905*l.*, but at the death of the late King, it was only 1,095,994*l.*, which shows a saving of nearly 100,000*l.* a-year. This charge at the close of the reign of William the 4th was composed of the following items:—

Civil List	£510,000
Charges on the Consolidated Fund	438,550
Supplies	128,065
Land Revenue . . .	13,032
4½ per cent duties . .	6,347
Total	1,095,994
Saving . . .	£100,213

The greater portion of this saving could not have been satisfactorily accomplished, if the whole of the charges had been in the civil list that were formerly placed on it. It is true, I must add a small amount of increase under a few heads of 2,374*l.*, thus making the entire saving to the country amount to 97,839*l.* There is, therefore, an actual decrease within the interval I have adverted to in the last reign of very near 10 per cent on the whole expenditure of the Crown. Now, this alteration has been effected, and still the civil list has been equal to its expenditure, and abundantly sufficient. It has been effective, as the House will recollect, without the creation on the part of his late Majesty of a debt of any sort whatever, or the necessity of resorting to his people for any extraordinary payments for the support of the honour and dignity of the Crown. The support of the Crown having been efficiently provided for, both in the one case and in the other, I say that the principle on which the reduction has been made is consistent with sound principle, and has led to economy. His late Majesty was enabled to carry on his expenditure without the contraction of debt of any sort; and I may be allowed to say in passing, that his late Majesty was not protected from debt by any narrow mode of life, or by the adoption of any course unworthy the high station he held in the country, or by denying to his heart and principles the exercise of the most beneficent and enlarged charity, or the most unbounded hospitality; but he was protected from debt, because the income which he was allowed from Parliament was adequate, and because it was administered with a wise economy. I have already stated, that it is my intention to propose, in the present instance, the adoption of that course which was pursued on the last occasion, viz., that of moving, that the whole subject should be referred to a Select Committee; but before I do so, and as supplementary to the remarks I have already made, and as essentially necessary to enable the House to determine what income they will allot to their Sovereign, I wish to call their attention to two facts—one is the amount of the casual revenue which in former reigns, and under another system, was placed at the disposal of the Crown; and the other is, the amount of Parliamentary grants which, on former occasions, was necessary in order to pay off the debts of the civil list; because, if you compare former civil lists with latter civil lists, you must take into account the extraordinary interposition of the Legislature which it became necessary to make. In the reign of George 3rd, the House will learn, not without surprise to those hon. Gentlemen who have not looked into the subject, that the amount of droits received, and at the disposal of the Crown, was 12,705,461*l.* This was the gross amount, and was composed of the following items:

Droits of the Admiralty	£9,562,000
4½ per cent. Duties	2,116,000
Gibraltar	124,000
Surplus Scotch Civil List ..	207,000
Escheats from Subjects	214,000
Escheats from Aliens	108,000
Sale of Lands, French West India Islands	106,000
Revenues of Minorca, Martinique, &c. &c.	150,000
Quit Rents in Colonies	104,000

It is true, that out of this enormous sum, arising from the droits of the Crown, the following payments were made in aid of the public service during the reign of George the 3rd:—

Navy	£900,000
Ordnance..	100,000
To the Annual Supplies of the Year....................	700,000
To the Consolidated Fund.....	900,000
Total	£2,600,000

So that the Sovereign voluntarily contributed 2,600,000*l.* towards the national necessities. And it is also right to state, that the expenses of captors, and the payment to those concerned in taking prizes, amounted to 5,372,834*l.* But deducting this 5,000,000*l.* and the 2,600,000*l.* from the 12,000,000*l.*, the House will see that an enormous amount of casual revenue was then appropriated to the Crown.

Mr. *Blakemore:* Does that include the period of the regency?

The *Chancellor of the Exchequer:* Certainly. There was also a further sum received and applicable from these droits during the reign of George the 3rd. Of this amount derived from the droits of the Crown, 326,000*l.* was applied to the Civil List by George the 4th, and by further additions afterwards, it amounted to more than 400,000*l.* This sum was applied, not during the time that George the 4th was Regent, but after he became Sovereign. But the House ought to recollect, that under former civil lists, many applications were necessarily made to Parliament for the payment of debts contracted. During the twelve years of the reign of Queen Anne, two applications were made to Parliament for the payments of the debts on the civil list, in addition to the sum annually paid on account of it—one was 700,000*l.*, and the other was 500,000*l.* In the thirteen years of the reign of George the 1st, the debt paid in addition to a civil list of the same amount as that of Queen Anne, was 1,000,000*l.* During the thirty-three years reign of George the 2nd, the civil list was fixed at 800,000*l.* per annum, and it was provided that if the duties granted to produce it did not in any one year produce 800,000*l.*, the deficiency was to be made good. If the produce exceeded 800,000*l.*, the excess went to the Crown. In addition to the duties so granted at the commencement of the reign, there was paid, in 1746, on account of the debt on the civil list, 456,000*l.* This sum was granted because, up to 1746, the duties had not produced the 800,000*l.* a-year. It appears, however, that from 1750 to 1760, the duties produced on an average 824,000*l.* per annum. During the sixty years of the reign of George the 3rd, the sum of 3,398,000*l.* was granted for the discharge of the civil list debts. For the first seventeen years of the reign, the civil list was 800,000*l.*; for the next twenty-seven years, it was 900,000*l.*; the next eight years, it was 960,000*l.*; and then to the close of the reign, it was 1,030,000*l.* In addition to this, the following sums were granted to pay the debts on the civil list:—

In 1769	£513,500
1777	608,300
1784	60,000
1786	210,000
1802	990,000
1804	590,000
1805	10,400
1814	218,800
1816	185,000
	£3,398,000

During the course of the reign, there was a further sum of 413,000*l.*, which was derived from the fees on suppressed offices, thus making altogether a total of 3,811,000*l.* Sir, it is scarcely necessary to call the attention of the House to the important difference that exists between the state of things I have now pointed out, and the state of things which happily existed during the late reign. Of all the difficulties and dangers to the House and to the Crown, none are more to be guarded against than so arranging the civil list as to leave any probability of the Crown contracting debts, which imposes upon it the necessity of coming to Parliament to discharge them. We ought not, then, to proceed without great caution as to the steps we are about to take; and we should also take care, that the amount we now vote should not be less than may be permanently necessary. I do not propose a Committee on the civil list with the view of avoiding any kind of responsibility that properly belongs to me. Sir, I should feel unworthy of the confidence of this House, and of her Majesty, if I was not prepared to state, upon my own responsibility, what I consider the civil list ought to be. It will be the object of the Committee to ascertain whether the proposition I shall make, is a just one: or whether it requires revision. Therefore, among the papers I propose to lay before the Committee will be the scheme of the civil list which I shall propose. It will be considered that the Queen, in some respects, stands distinguished from all her immediate predecessors of the house of Hanover. I believe in no case, since the accession of the house of Hanover, has there been an instance in which the Sovereign succeeding to the throne of England, did not inherit very considerable personal property from his predecessor. Sir, that was the case with respect to William the 4th, it was the case with George the 4th; it was also the case of George the 2nd; for in every one of these cases there was personal property conveyed from the deceased Sovereign to the Sovereign who succeeded. In the present instance, her Majesty succeeds to no such personal property whatever. Her Majesty inherits nothing of an analogous character. Her dependence is consequently upon her hereditary revenues, or upon the revenues which Parliament may assign in lieu of them. But there is another distinction—there is no one of her Majesty's royal predecessors who did not succeed also to the revenues of Hanover, as well as to the revenues of England. My noble Fri[illegible]e has stated, he did not conceive that the public interests of England would suffer by the severance of the crown of Hanover from the crown of this country. I perfectly concur in that opinion; and I do not think there is one of her Majesty's subjects—I do not think there is any Gentleman here who will suppose that the interests of England, either in its foreign or its domestic relations, are likely to be prejudiced by the severance of the crown of Hanover. But though that may not be the case, still we must take into account, in the civil list, that that severance deprives her Majesty of resources which her predecessors had at their command. Another distinction to be made in the present settlement of the civil list is, that her Majesty's establishment, as reigning Queen, must be of a different character from that of a King or of a Queen Consort. It must be an establishment partaking of the nature of both. It must be partly an establishment of ladies and partly of gentlemen; therefore, in going through the arrangements I am about to propose, I shall endeavour, as far as I can, to enable the House to make comparisons between such establishments, and then leave the House to draw from those comparisons that conclusion which is likely to befit an establishment for her Majesty. The first class of the civil list granted to his late Majesty, consisted of the privy purse of 110,000*l.*—60,000*l.* for the use of the king, and 50,000*l.* for the use of the queen. I should therefore propose, that the first class of the present civil list should stand at 60,000*l.*, excluding the 50,000*l.* which were voted before for the use of the Queen Consort. I do not suppose Gentlemen will, for a moment, seek to diminish the amount of privy purse which, for upwards of sixty years, has been appropriated to the use of the Sovereign. The next class is the class of salaries of the great officers of the household. It will be in the recollection of the House, that on the occasion of the reference of this subject to a Committee up stairs in 1830-31, certain reductions were recommended of the salaries of the great officers of the Crown. They did not amount to any very considerable sum. I believe they amounted to 10,000*l.* This is a comparatively small sum; but they were considered to be important in point of principle. After a deliberate discussion, and upon the best view that could be taken of the subject by the Government of the day, it was not considered expedient to carry those reductions into effect, and the total sum was voted. Sir, I shall not go back to the arguments that were used on that occasion, but I think the present affords a fitting opportunity of re-considering the salaries of these great officers of state. Sir, I was a member of that Committee, and the recommendations which were then given with respect to the salaries of the great officers of state, were recommendations which, at that period, met with my assent, although it was not considered expedient to carry them into effect on that occasion. But I have now to announce to the House, that with respect to those reductions in the salaries of the higher officers of state, the Lord Chamberlain, the Master of the Horse, the Lord Steward, it is my intention to propose a reduction in the amount of those salaries to the full extent of that formerly recommended by the Committee up stairs. Sir, we have had angry discussions in the House on this subject, both at that time and since; but I hope those Gentlemen who differed from me on that occasion, and who endeavoured to persuade us to carry the recommendations of the Committee into effect, will now be satisfied with the course adopted. There are other reductions which we propose to make in respect to some of the lesser officers of state, in reference to whom we shall accomplish nearly the same object, though not in the same way. In their case we propose a reduction by numbers instead of in the amount of their salaries. As to the great officers of state, we propose to make a reduction of 1,085*l.* in the salary of the Lord Chamberlain; 436*l.* in the salary of the Lord Steward; 850*l.* in the salary of the Master of the Horse. The office of the groom of the stole is to be abolished. A reduction in the salaries of the lords in waiting will be made to the aggregate extent of 2,808*l.*; and these with reductions in the salaries of the master of the robes and some minor officers, will make a total of 9,820*l.* Sir, I may now be required to inform the House what is the proposed increase of the establishment necessary for a lady. In a very few words I will inform the House what we propose that should be. The female establishment in attendance upon her Majesty, as it will be proposed before the Committee, will cost 8,900*l.* a year. The Government, in considering what the civil list should be for the female Sovereign, have not followed the most immediate precedent before them —I mean that of Queen Anne, our last female Sovereign, who had of course a female establishment upon her civil list; the salaries charged upon that list being greater than Government has thought proper to suggest for the consideration of the Committee on the present occasion. For instance, the Duchess of Marlborough, who was at the head of Queen Anne's establishment, enjoyed several offices which in these days would be thought strangely unsuited to a lady. She was keeper of the privy purse, groom of the stole—[*Loud laughter*]—and first lady of the bedchamber. As privy purse and groom of the stole she had 2,000*l.* a year, while the ladies of the bedchamber had 1,000*l.* each— the women of the bedchamber being paid 500*l.* each. We propose that in place of 1,000*l.* the ladies of the bedchamber should have 500*l.* a year, and the bedchamber women, instead of 500*l.*, 300*l.* The salaries, in fact, are to be upon the same scale as they were in the household of the Queen Dowager. I trust the House will see that we have manifested every desire to put the royal establishment upon as satisfactory and economical a footing as possible. The next head of expenditure is the expenses of the royal household. The details of this expenditure during the last reign will be laid before the Committee, who will thereby have full opportunity of seeing what the expenditure has been, and an average taken from them will enable us to judge what it is necessary to set aside for an adequate provision in this respect, as a provision to supersede the necessity of any debts being contracted by the Crown. The fourth class of expenditure is a small one, namely, for charities, and special, and secret service, and this amounts to 23,200*l.* This we shall propose as before. The class of pensions is the fifth on the list, and for this during the late reign the annual sum of 75,000*l.* was allotted. I do not anticipate that with respect to the four first classes there will be any practical difference of opinion in the House, at least if I may judge from the manner in which they were received on former occasions. But I do know, Sir, upon the subject of the pension list there will probably be much more opposition. I do not disguise that from myself, for I wish to deal with the matter fairly. This matter of the pension list undoubtedly has been much discussed; I shall therefore endeavour to be as brief as possible while bringing under the attention of the House its actual state. Prior to the act of Mr. Burke there was no limit whatever to the amount of pensions which might be granted but the discretion of the Monarch and the amount of the civil list itself. Unlimited it was in amount, it was equally so in point of principle. In the preamble of Mr. Burke's Act undoubtedly there is reference to limitation both as to amount and as to principle. I believe 95,000*l.* was the sum to which it brought down the amount; but still the Irish pension list was for many years subject to no such limitation. There existed also a vague and indefinite power of charging pensions upon the Scotch hereditary revenues, and there was also a power of charging them upon the 4½ per Cents. Sir, in the year 1820 the amount of pensions payable was 203,058*l.*; in 1830 this amount was reduced to 180,944*l.* On the former discussion on this subject, my noble Friend, Lord Spencer, proposed to limit the amount of the pension list to 75,000*l.* a-year; that is to say, pensions were to be allowed to expire till the total amount was reduced to 75,000*l.*; but by an arrangement made at the time, putting certain classes of pensions on the Consolidated Fund, while other classes remained on the civil list, many of the pensions which have since expired have been given to the Consolidaed Fund, and the Sovereign has had the power of filling up vacancies in respect of those which occurred in the civil list. Now, Sir, the present amount of pensions is 149,802*l.*; that is to say, there has been a diminution in the amount of pensions, since the last settlement of the civil list, of a very considerable sum, not less than 26,000*l.* a year. The saving effected between 1820 and the present time is not less than 50,000*l.* a year, and supposing the law to continue in its present state, the pensions, which were in the year 1820 203,000*l.*, will soon be reduced to the sum of 75,000*l.* This, Sir, is not all that was done in the last reign. Undoubtedly during that period a very great diminution in the amount of pensions took place. But the objection felt by the House and the country was not only to the amount of the pensions, but to the principles on which they were granted. I do not think that if the House and the public had been perfectly persuaded that the whole amount even of the larger sum had been bestowed upon objects deserving the royal bounty and national gratitude, I do not believe that the question of amount would have produced half the effect, that the principle upon which those pensions were given has occasioned. The objection raised to the smaller pensions was repeated over and over again to be an objection to the principle of the system of granting those pensions. This was felt by the Government of Earl Grey, and on the 18th of February, 1834, a resolution was moved in this House, and passed, "that it is the bounden duty of the responsible advisers of the Crown to recommend to his Majesty for grants of pensions and rewards only such persons as may have just claims upon the Royal benevolence, either by personal services to the Crown or by services to the public, or who by useful discoveries in science or art merit the consideration of the Sovereign and the patronage of the nation." That, Sir, was the first time that it had been stated on distinct principles on what grounds pensions should be granted. Mr. Burke, indeed, had faintly shadowed it out, but that was the first time that it had been distinctly stated by a resolution of the House of Commons. The consequences of that resolution showed that it was not so much the amount of the pension, as the object to which it was applied, that had been so closely canvassed. I speak in the hearing of those who have applied themselves to the consideration of the matter, and who know perfectly well what the extent of public feeling on the subject has been. I refer myself particularly to the hon. Member for Southwark, who has repeatedly brought the subject before the House; I submit to him if the enunciation of that principle did not tend to soothe and satisfy the public mind on that subject, and if the cause of complaint was not more as regarded the principle than the amount of the pension? I have shown to the House that the principle was so affirmed. Has it been acted upon? I say it has; and if the Committee and the House examine the matter I am confident that the papers produced before that Committee will show that the Government which proposed that resolution has acted upon it. The names are there. Compare the pensions since bestowed with the resolution of the House upon the subject; and censure us if we have not abided by that resolution. Sir, I therefore say, that this is a fit and proper subject of consideration for the Committee, and they shall have the list of those before them to whom pensions have been granted; and I shall be prepared, with respect to every one that we have recommended to the Crown for pensions, to lay before the Committee the express grounds upon which we have thought it right to grant them. Sir, we shrink from no responsibility. We did not adopt that resolution blindly, or without being disposed to act upon it. We have endeavoured to act on it, and let the Committee investigate what we have done, and let them determine whether our acts have not kept pace with our declarations. Sir, at the same time I must be permitted to say, that with respect to the whole subject of the pension list we have met with a great deal of no very fair play. The greatest efforts have been made to bring the conduct of the Government on this question into disrepute. Accusations which have been brought forward and satisfactorily refuted here, have re-appeared—re-appeared, I do not say in this House, but elsewhere, for the purpose, or at least with the effect, of deluding the public mind. I repeat that this subject has not been fairly discussed. It is very easy to object to names; and it is very easy, also, to say that which is true as applicable to a state of things at one time, which is no longer true as applied to a state of things at another. Now I have seen names most unjustly pointed out, and it has been made matter of reproach to certain Gentlemen that they are on the pension list. I will take, first, the instance of a political opponent. It has been made matter of reproach that Lord Farnborough is in the receipt of a pension; and it is said, what has he done to merit the continuance of a pension? Why, Sir, the slightest possible attention would have shown that Lord Farnborough has not been in the receipt of that pension for many years past. One single question put to me or to any of my noble or hon. colleagues would have elicited that Lord Farnborough, when he came into possession of property which had devolved to him, gave up that pension of his own accord, with a statement that his circumstances having improved, he felt it due to the public to give up that pension. I have seen another attack of a similar kind made upon another noble Lord, a political opponent (Lord Sidmouth), that he receives a pension. Now it is perfectly notorious that upon coming into property which devolved on him, that noble Lord at once resigned his pension with a similar patriotic declaration. So much, then, for two pensioners on the other side of the House, and now for two noble Friends of my own political views. First, there is the nobleman who is now Governor-General of India. Within the week it has been asked in the public prints, why does Lord Auckland, the Governor-General of India, continue to receive his pension? Now, the fact is, that my noble Friend, upon his appointment, instantly gave up his pension. Surely before charges of this description are made some little authentic information should be sought as to the facts of the case. Again, my noble Friend, Lord Elphinstone, the Governor of Madras, is in a similar way charged with still receiving a pension, whereas the first act he did when he received his appointment was to write and say that he resigned that pension. [Mr. *Hume*: He was obliged to do so by Act of Parliament.] The hon. Gentleman says the Act compelled him to resign his pension; I am not aware that any Act of Parliament bears that construction; but supposing that the hon. Gentleman is correct in his assertion, that does not alter the case, for the imputation is, that these two parties are still in the receipt of pensions, and this imputation I have shown to be utterly groundless; and whether they cease to receive the pensions in accordance with an Act of Parliament, or by their own act, makes no difference, except that the one would be an act of generosity, while the other is only a matter of necessity. The object of my statement is to show the delusions that are abroad upon this subject. I do not think the Act of Parliament bears the interpretation which the hon. Gentleman puts on it; but this I know, that the resignation of the pension was put into my hands by Lord Elphinstone the very moment he was appointed to the office he now holds. These are matters which ought to be understood by the House and by the country. Again, Sir, particular names are used, and made matters of remark, without one inquiry having been instituted. I will give a very few instances. I have heard questions put, especially with respect to the names of females — for instance, Miss Charlotte Stewart—what has Miss Charlotte Stewart done to deserve a pension? Now, Sir, I take that case as an example. That lady was the infant daughter of one of the very best public servants the country ever had either in a civil or military capacity—I mean the late Colonel Stewart, Assistant Secretary to the Treasury. That gentleman, after going through the whole service of the war, after being wounded and suffering in his health, applied himself to the civil service of his country. He was advanced, not by the Government with which I am connected, but by other Governments; but he served under us; and I believe that my Lord Spencer, I believe my Lord Grey, I believe that every individual Member of his Administration would give their willing and ready testimony to the unrivalled activity, to the indefatigable industry, and to the spotless integrity which distinguished him while in office. Allow me to detain the attention of the House for a moment to this case. This gentleman was entitled to a very high rate of retired allowance. We pressed and urged him to accept the allowance, in order that he might retire for the recovery of his health. He resisted, however, all our entreaties. He said that as long as he was able he would remain in the public service, as he could not bear the idea of receiving the public money without earning it. He remained in the public service till his constitution was entirely broken, and he became incapacitated for work; he died in the public service as completely as a man could have died in the field, and I am bound to say of him, that never did a public servant reap the reward of his fidelity and industry with more justice than did this gentleman. He had a salary of 2,500*l.* a year, and if it is thought by the hon. Member that he did not deserve it, I should like to know what test he requires, or in what manner he measures the services of public men. Looking to the services given to the public by Colonel Stewart, I say there never was a more becoming reward than the pension that was given to his daughter. Sir, I have heard it said, what has Mr. Morton done to deserve a pension of 250*l.* a year? I will answer the question in three words, and if my answer is not perfectly satisfactory I shall be greatly surprised. Sir, that gentleman, at great personal inconvenience, long employed his eminent talents in the investigation of a question of the utmost importance to the public, a question most difficult and complicated in its details, the question of terminable annuities, &c., and suceeeded in supplying information which saved to the country no less a sum than 170,000*l.*, which would otherwise have been made away with. If the pension of 250*l.* a year to this gentleman be not a proper application of the public money, I am at a loss to know what can be a proper application. I could go much further into such details; I could call the attention of the House to many names illustrious in science, in literature, and in the arts, which of recent years have appeared prominently on the civil list. I say, that the principle on which Gentlemen opposite, as well as the present Government, have acted in this respect is most creditable to them and to the Crown. The names of Airy, Faraday, and Somerville, which appear on that list, do the highest honour to all parties. Sir, I propose that this Committee, when appointed, shall have full power of considering whether the resolution referred to and the principles laid down by the civil list Committee on a former occasion have been acted up to. But it may be said this is not enough; this does not come up to the terms of the notice which stands for to-night. Sir, before I state my opinion on this point I wish the House to consider a principle which has been laid down, and been the subject of frequent debate in this House. It is on all sides admitted that Ministers who advise the Crown are responsible for the advice which they give, and, therefore, if they advise that improper persons be put on the civil list, it comes within the province of this House to express its opinion on their advice. That rule, and the rules laid down upon the settlement of the last civil list, offer some security undoubtedly; but they do not, in our opinion, afford an adequate security against the granting improper pensions for the future. In order to afford a perfect security, we think that a few alterations in the system of granting civil list pensions ought to be made. The first is, that what is now merely embodied in a resolution, should be introduced into the civil list Act, and have the force of law. That will make it more difficult to depart from the recognised principles. But that will not be enough of itself. It is true, the Government may be responsible, but Parliament may be kept in the dark on the subject. A Minister may die, and you may have no means of fixing the responsibility. I propose, then, that in future the amount of the civil list pensions granted every year, and the particulars of those pensions, be laid annually on the table of the House of Commons. I affirm the responsibility of the Minister in the first instance; and, to enable Parliament to act on that responsibility, I would make it incumbent on the Minister to give the fullest information to Parliament; so that if a wrong be done, if an abuse creep in, immediate detection may follow, and Parliament, if it please, can interfere. I am prepared, Sir, to anticipate, that some objection may be raised to this proposal. It may be said, that Parliament will become the donors of the pensions instead of the Crown. That is the last thing I think of or wish for. I believe, that if Parliament were to confer these pensions in place of those who are responsible to the Crown, the result would be a more lavish expenditure, more intrigues, and a greater extent of jobbing, interference, caballing, and canvassing than has ever yet been practised. I need not, as an illustration of my view, refer to what has occasionally occurred with reference to the miscellaneous estimates. There have been times when appeals have been made, not to those who are responsible, but to the House, and the House has been too ready to vote one day that which it has repented having voted the day following. I have seen that done in this House. I have seen inconsiderate votes come to by the House, which it has repented next day. If, then, you throw these grants into the hands of the House of Commons, you place it in the hands of that authority which is most likely to abuse it. But, though in my opinion the House of Commons is not well qualified for taking the initiative, it is most valuable as a check, and the check comes too late under the present system. I would, therefore, make it the law, that all pensions granted in the civil list should be laid, as a matter of course, on the table of the House. We tender to the House the fullest inquiry, and I hope we may anticipate the fullest justification of the course which the Government proposes to take. But then comes the motion of the hon. and learned Member for Southwark. As he puts the question, I believe it has never yet undergone discussion.

Mr. *Harvey* handed a paper to the right hon. Gentleman, observing that it contained the terms of his motion as he proposed to make it.

The *Chancellor of the Exchequer* continued: Before I read the motion of the hon. and learned Gentleman, I must say I do not think that the course he pursues will be considered quite a convenient one by the House. I do not complain of his conduct, but I must tell him that I came down prepared to argue his notice of motion, and now I am told that another is to be substituted for it as an amendment. The notice which the hon. Member gave, and which now stands on the printed orders, is a distinct proposition. Now there is to be another question, of which I have no previous notice, to be moved as an amendment on my proposition for submitting the estimates of the civil list to a Select Committee. The hon. and learned Member might not mean it uncandidly; but certainly his practice is rather sharp and not altogether fair upon me. It is true, that it is competent to him to make a motion without giving me any notice of it; but, having given notice of his proposition publicly, it is not fair in him to alter it at the eleventh hour without communicating to me previously any notice of his intention. I will read both of the hon. Member's notices, and I hope that he will not think that I am acting unfairly towards him in so doing. The notice on the order-book is to this effect:—" Return of all sinecures and pensions of whatever denomination, and upon whatever fund chargeable. Select Committee to inquire how far such sinecures and pensions ought to be continued, having due regard to the just claims of the parties, and to economy in the public expenditure." Now the proposition is, " and that such Committee cause full examination to be made into the circumstances under which each existing pension was granted, and whether the continuance of the same is justified by public services, or any other special circumstances." Now these two propositions differ very much from each other. The last proposition casts a new duty upon the Committee which I am anxious to form. I seek to obtain a Select Committee for a special duty, whilst the proposition of the hon. and learned Member for Southwark would refer to that Committee, a Committee on the civil list, that which had no reference to the ivil list at all. For instance, his proposition relates to sinecures, and sinecures there are none upon the civil list. The hon. Member for the city of London, who was chairman of the Committee appointed to inquire into the subject of sinecures, knows well the result of that inquiry. " Examination into the circumstances under which each existing pension was granted!" Sir, if there be an abuse in this respect, I am ready to examine into its existence; but I must ask the hon. and learned Member for Southwark whether, by the words which I have just read, he means the same proposition for which I understood him to argue before—namely, the propriety of examining into all pensions and sinecures of every denomination. Does he mean that the Committee for which I am now moving is to go into an inquiry into all the superannuated allowances, into all the pensions for diplomatic services, into all the pensions for Government services? If such be his meaning, then I tell him that the Committee for which I am moving can come to no conclusion on those points, for it is a Committee on the civil list, and upon nothing else. His proposition evidently is intended to encumber the Committee. Now, my intention is, that that Committee should settle the civil list to be granted to her Majesty with as little delay as possible, and you might as well refer the state of the Consolidated Fund to that Committee as the subjects which the hon. and learned Member proposes. Indeed, such a reference would produce great and almost endless delay. I have now stated my objection to the altered proposition of the hon. and learned Member for Southwark. I will now proceed to deal with the proposition which I find in the book before me. I hold that any Government that recommends the grant of a pension is responsible for it. I hold that such grant may be made the matter of fair inquiry. I hold that that inquiry may be enforced in the House of Commons. I hold that the proper time for enforcing such inquiry is the time of the revision of the civil list. I hold that if there is anything wrong in the granting of these pensions we are responsible for their recommendation, and if that responsibility extend to a period before our time, and anterior to the new settlement of the civil list, a due regard being had to the just claims of the parties, it is a subject of inquiry to which I cannot offer any opposition; and I am ready to say that I will go anew into such an inquiry, saving the just rights of the parties; but under no circumstances would I trench on them. Whether the pensions were rightly given or not rightly given, that is a fit subject for inquiry; that is an inquiry which I cannot refuse to enter upon; therefore I am prepared with respect to that to say, I like the proposition of the hon. and learned Gentleman, but I also say it is of that magnitude and importance that the Government are willing, in the face of the House and the public, to assume the responsibility of themselves moving the Committee and conducting the inquiry; and I say further, if we do it, we do it strictly on the principles laid down and avowed in the hon. and learned Gentleman's resolutions, namely, subject to the just claims of the parties. I am not one who, in quest of popularity, or for support in this House, or for any purpose of economy, will be a party to a single act of injustice. The rights of the sinecurists are as well secured to them by law as the rights of the pensioners. As regards the sinecurists, we granted a full inquiry into the circumstances on which their claims were founded. The hon. Member for London was in the chair of that Committee; the rights of the parties were regarded; no injustice was done; and I believe no injustice was meditated to any one by any Member of the Committee which examined into the facts. The Committee made their report, and the Government, to the best of their ability, carried the intentions of the Committee into full effect. I am willing, on the part of the Government, now to undertake the fullest inquiry such as that I have just described. We will carry it on in accordance with the comprehensive words used by the hon. and learned Member himself—we will carry on the inquiry in that spirit, and give to the public the full benefit of it. Well, Sir, that is the proposition which I make to the House, that is the proposition which we wish to make to the country. We make it in no spirit of oppression against any class of people; we make it with a determination to protect the just claims and rights of all. But I speak upon the experience of some years, when I say, that the best security to the pension list, and the best security to those who have claims upon it is, that all mystery and concealment regarding it should be put an end to. I take as instances of the correctness of my position the examples which I have already mentioned. Will the hon. and learned Member for Southwark, after the explanation which I have this night given to the House, venture again to attack as improper the grant of pensions to Miss Charlotte Stewart, and to Mr. Morton? Anxious as he professes himself to be for the observance of economy, I take it for granted that he would exercise his economy, subject to the claims of all parties. Here, then, I stand as a witness—here, then, I have given an explanation—here I have successfully defended those cases, which the hon. and learned Member for Southwark seemed to think perfectly indefensible. I have innumerable other cases of the same description which I am equally well prepared to defend, if circumstances render a defence necessary. I believe that the inquiry which I propose will give, not only satisfaction to the public, but also protection to the parties immediately concerned

The only question then remaining is this —Will the hon. and learned Member for Southwark, will the House at large, allow this inquiry to be carried on by Ministers, who are responsible to the House and to the country, or will they entrust it to private Members of Parliament, who may carry it on offensively and vexatiously? I consider it important that this inquiry be conducted under the management of her Majesty's Ministers, and for the reasons which I have already stated. But there are other reasons besides those I have mentioned for letting this inquiry be conducted by those who are responsible for the manner in which they conduct it—for instance, information will be given by the parties concerned more readily to us than to private individuals, and, moreover, it will not be said that we have employed the inquisitorial powers of the Committee for offensive and vexatious purposes. Under these circumstances, then, I entertain a confident hope that the Gentlemen of the House of Commons will receive the pledge which I now tender to them as satisfactory upon this remaining class of the civil list. One word as to the time to be fixed for the meeting of these Committees. Undoubtedly I cannot undertake the conduct of the two Committees which I have proposed at one and the same time. But, as the inquiry into the proper mode of providing the civil list cannot by any possibility last long, I am ready to pledge myself, as soon as I have completed that inquiry, to proceed to the other forthwith. I assure the House that it shall not be carried on either in a rancorous spirit of inquisition on the one hand, or as a blind on the other. On the contrary, I pledge myself that the inquiry shall be made in a good, an honest, and an impartial spirit. There are two subjects more to which I desire to call the attention of the House. The first, a very short one, is in respect to the $4\frac{1}{2}$ per cent. duties; the other respects the revenues of the Duchies of Cornwall and Lancaster. I do not know whether there are any hon. Gentlemen present who took an interest on a previous occasion in the latter question. Yes, I perceive there are two. It will be recollected that I begged of them to postpone a motion on the subject, observing, that though I could give them no pledge on the subject, it appeared to me that it would be better reserved for such an opportunity as the present than brought forward at the moment of the demise of the Crown. With regard to the sugar-duties, I beg at once to give notice that we propose, when we bring forward the Bill for the renewal of the sugar duties, to repeal entirely the $4\frac{1}{2}$ per cent. duties. I will not go now into the question, because all I wish to communicate is that which has relation to the proposed arrangement of the civil list; at the same time, I consider it quite right to state that the motion we shall make with respect to the sugar-duties this year will comprehend some alteration in the drawbacks. On the subject of the duchies I have called attention to the fact that her Majesty ascends the Throne without either the income of Hanover or any personal property; therefore, in limiting the civil list in the way suggested, we do not propose to the House the surrender of the duchies. We are prepared, however, to give full publicity as to the system under which those properties are administered. Here, also, much of evil results from the mystery which has heretofore been observed. At present the Duchy of Lancaster is managed under one system, and the Duchy of Cornwall under another. Our intention is to bring the affairs of these duchies, by an annual report, under the cognizance of Parliament. I trust that arrangement will be deemed satisfactory. I thank the House earnestly for the attention with which they have heard the long statement I have found myself compelled to make. I beg the House to recollect that we are now to form a civil list for a Queen; and I beg the House to recollect the predictions which were made as to what would be the conduct of the reformed Parliament with respect to the civil list. It was maintained that the civil list would test the disposition of the Reformers, and that when it came before the reformed Parliament, we should never do our duty to the monarchy, nor justice to the Sovereign. We heard it asserted, that this was a question with respect to which we should never act fairly. I disbelieved that assertion when it was made, but it will be for this House now to disprove it. It is for this House to settle the civil list of their young Sovereign in such a wise, but such a liberal manner, as to avoid the danger of debts being contracted, and the consequent necessity of constant applications to Parliament for money, such as were witnessed in the reigns of George the 3rd and George the 4th. With these observations I move that the papers on the table of the House be referred to a Select Committee of twenty-one.

Mr. *Bateman* said, perhaps the right hon. Gentleman will answer me one question. I wish to know, whether one Thomas Moore is on the pension-list or not? and if he be, whether his pension were granted to him for making ballads for love-sick maidens, or for slandering George the 4th.

The *Chancellor of the Exchequer:* I think, Sir, that the hon. Gentleman might have made a further inquiry, which is, whether the pension to which he refers was given as a reward of great and distinguished talents. I believe that the hon. Gentleman has the honour of belonging to the same country as myself, and I should have hoped that there was no Irishman, however he might differ from the political opinions of Mr. Thomas Moore, who would not have felt that that Gentleman was a credit to the country which gave him birth, and that the name of "one Thomas Moore" was a credit to the pension list. Perhaps the hon. Member will also ask, whether it was for writing his early works, of a very democratic character, that the name of Robert Southey appears on the pension list. I believe, that both gentlemen received their pensions on the same grounds; and I rejoice as heartily at the grant to Mr. Robert Southey as I do at that to Mr. Thomas Moore. They are both individuals of great and distinguished talent; they have both contributed largely to the literary pleasures of the country; and I rejoice that one and the other, whatever their political opinions, have received from opposite Governments the rewards to which they are so justly entitled.

Mr. *Harvey* said, he could not conceal from himself the peculiar difficulty in which he was placed by the observations that had been made by the right hon. the Chancellor of the Exchequer; because, while on the one hand he should be delighted to accede to any arrangement calculated to effect so desirable an object, he, at the same time, felt that a great personal responsibility rested on himself, in consequence of the part he had taken in past times on this interesting subject. He was apprehensive that, in the excessive eagerness of the Government, from a delicate feeling towards their illustrious Mistress to pass the civil list as speedily as possible, the object he contemplated might elude his grasp. He could not forget the successive difficulties which gradually accumulated on them from the commencement of the last reign. At the outset there was no indisposition on behalf of the Government to admit that these pensions ought to undergo the most rigorous investigation, and that it was not only the right but the duty of Parliament to institute it. Circumstances occurred, unhappily as he thought, which interrupted these good intentions, and, in fact, bewildered for a time the minds of hon. Members. The House was led captive by promises and by expectations of advantages, the value of which was not for a moment to be hazarded by any inquiry, however gratifying it would have been under other circumstances. The consequence was, excessive difficulties accumulated, till what was considered as a right became a suspected duty; and, at length, when they claimed the fulfilment of the promises that had been made, they were told that they were endeavouring to violate an Act of Parliament, and even the higher obligations of honour. It was to guard against a similar difficulty arising, and feeling the peculiar duty imposed on himself to prevent it, that he now wished for a full understanding on the subject; at this time there must be no mistake. He confessed that he did not clearly understand the right hon. Gentleman's present proposition. He well remembered that on a former occasion he (Mr. Harvey) assured the House of that which he was now prepared to repeat, that so far from being connected with any party, or from taking the course he did under party influence, he had not spoken to any one to be its seconder. He threw it on the waters of opinion, not doubting it would find a ready support. He had pursued the same course to-night; and yet some hon. Gentleman might doubt the truth of that statement after the speech of the right hon. Gentleman; for they would be justified in thinking that he had asked the right hon. Gentleman to second his motion. It was impossible for him to conceive—it was impossible for any ingenuity less than that of the right hon. Gentleman himself to furnish—arguments better adapted to show the justice of his proposition. But before he proceeded to make any remarks on the main portion of the speech of the right hon. Gentleman, or in support of the amendment which he should move, unless some arrangement should render it unnecessary, he thought it better to address himself to a few of the minor topics which formed a part of the right hon. Gentleman's statement. If the candid admissions which the right hon. Gentleman had made to-night had been thrown out at any popular meeting, composed of active and fretful demagogues heated by inflammatory statements—if at such a meeting it had been stated as a fact, speaking as others did of that strict economy, of that peculiar exactitude of all the moral observances which characterised the long reign of George the 3rd—if it had been said that from one source alone, from some obscure and irresponsible source, the enormous amount of 12,000,000*l.* had been received, he who ventured on such an assertion would have been rebuked for the violence of his opinions, and his shameless disregard of truth.—It appeared, however, that the 12,000,000*l.* had been in various ways reduced to 5,000,000*l.*; but still when he called to mind what large claims were made on the patriotic feelings and on the gratitude of the nation in return for that high example of rigid virtue, that rare and uninterrupted system of economy affected to have been observed in the court of him, who by courtesy was called the good old King—when they found the enormous sum of five millions of money thus obtained and thus squandered, no account even being rendered of it, he feared he should have been open to many ungenerous imputations for such observations. When they were told of the concession her Majesty had been advised to make — and in speaking of her Majesty, he desired to be understood as speaking of her with the respect which was due to her from her loyal and affectionate subjects — but when told of those concessions they must deal with them as they appeared before them—If the droits of the Crown and the Admiralty, and the Four-and-a-half per Cents., and the other customary duties had been surrendered some twenty-five years ago, they would indeed have been in a condition to boast of some substantial advantage from the surrender. But there was great cunning in royalty; it would never forego anything so long as its fangs could cling to it. He did not well understand the nature of this great boon, and for which they were about to give a most extravagant exchange. There was a motion complied with last night, brought forward by the hon. Baronet the Member for the University of Oxford, having for its purpose to show that the Crown was a great loser by the relinquishment of the hereditary revenues. We were to have a balance sheet in illustration of that defalcation. He was anxious to see it; it would be a curiosity, for it would be the first proof that had been given of royal liberality. But without speculating as to the nature of that return, who could say that the House and the people would be in a condition rightly to appreciate it? It might come too late. It was a great pity that the statement was not made when the public might express its sense of the concession to them—this vast and boasted concession. For himself he believed it to be all delusion. Let them look to it, it was true that the territorial revenues at the disposal of the Crown in past time were abundantly large, not only for the purposes of sustaining the royal dignity in the most expensive splendour and without restraint, but they also supplied resources sufficient to carry forth our armies over the continent of Europe, and to give vigour and triumphs to our fleets over every sea. Whence was it that while all other property had swelled to enormous amounts, the land revenues of the Crown had diminished to the shadow they now were? Look at the present amount of it under the control of the Woods and Forests. Of what did it consist? That there are considerable estates, many ground rents, numerous manors, still under the management of the Board of Woods and Forests, was not to be denied. Till lately, however, such was the dexterity of the management, that the balance sheet had been adverse to the public. But thanks to the vigilance of Parliament, about 40,000*l.* or 50,000*l.* per annum, was now brought into the public account. This, then, was the only solid advantage they derived from that concession for which they were invited to be so sincerely grateful. But then they were told of the droits of Admiralty. If the Government were not most fortunately connected with a noble Lord whose vigorous policy enabled them to steer the vessel of the state through continually arising difficulties—if it was not for this happy incident, it might happen that they would have to sustain in a period of peace all the expenses, without reaping any of the glories of war. Were it not for the policy of the noble Lord (Lord Palmerston) the droits of the Admiralty might swell to a frightful extent, to such an extent that even Majesty itself might look at them with a jealous eye, and some discerning Minister, eager to gratify royal cupidity, might come down to the House, and say that though in fact the droits of Admiralty had been surrendered to the country when of no value, now that they were rolling in by millions, the Crown ought to share in the plunder—and then would arise a compact by which the Crown and the Cabinet, acting the part of the monkey, in his dealing with the cat, run away with the whole. Let them look at the concession as it stood. The country should not be thus cheated by mock liberality. Was the House prepared?—yes, he saw that a large portion of it was; but were the 158 young Members, who were just entering on their legislative apprenticeship, were they prepared to hear that for years past the amount of those droits thus boastingly surrendered by the Queen through the eloquent mouth of the Chancellor of the Exchequer—was something under 1,218*l*. Yes, let it be told to all the Courts of Europe that were studying our example in the course of economical legislation, 1,218*l*. was the amount of the conceded droits. But then her Majesty had surrendered to the nation the Four and a Half per Cents. What were these Four and a Half per Cents? Some young Members might imagine that her Majesty had surrendered the Four and a Half per Cents in Threadneedle-street. That, indeed, would be something to talk about. That indeed, would be something to call forth their gratitude. It was, however, no such thing. It was simply this. Some 150 years ago the West India islands had been called upon to raise amongst themselves the means of maintaining their internal government in the erection of houses for the administration of justice, and other appendages of authority. This was proposed to be done by fixing a 4½ per cent tax upon objects of native growth. But in the progress of time it was thought fitting that these colonial possessions, in return for much valuable solicitude constantly shown by mother countries towards their dependant colonies, should send home from time to time the Four and a Half per Cents. It was not to be paid in money; for these colonies were too poor to pay in money, and they therefore paid in kind. The consequence was, that where the island produced sugar, if it produced one hundred hogsheads of sugar, the Government was to have four and a half hogsheads of sugar; and where it produced one hundred puncheons of rum, they were to have four and a half puncheons of rum. Eventually it turned out that as the islands grew in importance so did their resources, and eventually it happened that there was something like a surplus. He wished hon. Gentlemen to understand that he was not speaking of a clerical surplus, he was confining his attention to mere matters of revenue. There was a surplus, and it might have been expected that it would have been applied to the relief of the colonies—that there might, in fact, have been a reduction of the exaction. There was a surplus, and the happy thought suggested itself—he wished he could congratulate the present Chancellor of the Exchequer upon the merit of being its author; but the moment there was a surplus, the happy thought suggested itself of charging the surplus with the pensions and annuities of that superfluous portion of the aristocracy who were to be found but not recognised at home; and the consequence was, that year after year the Four and a Half per Cents were loaded with sinecures and pensions, until it turned out that, nearly or quite exhausted, they exceeded the remittances. The result of the whole he believed to be this—he was then speaking from recollection, and must not be understood as speaking of the exact total, but of something like the total, and he believed he was correct in saying that the 4½ per cents. at that hour, and never before then. had yielded a clear benefit to the country of 5,000*l*. a year. He thought he should be nearer the mark if he said 2,000*l*. It was then desirable for that House, and, still more, it was desirable to the country, it was desirable to the people—the people who cheered her Majesty, and her Majesty's Ministers, it was of the utmost importance that none of their virtues, that none of their merits should be lost; that, whenever the cabinet went forth with her Majesty into the streets and upon the highways, the people should take off their hats, and cheer for those very ministers who had obtained for them such immense concessions from the Crown at the beginning of the new reign; that, too, the people might say of them, "those are the ministers who, although they have granted a civil list amounting to 510,000*l*. yet have, by their judicious system of economy, contrived to balance the account by various concessions from the Crown." Happy system of delusive calculation, by which the people are led to perceive that in giving 510,000*l.* and getting in return something less than 60,000*l.* they were positive gainers. Having, then, placed the House in possession of the real facts as regarded these matters, he wished to know in what way the duchies of Lancaster and Cornwall were to be brought under the cognizance of the House. This point had been dismissed in a very brief manner by the Chancellor of the Exchequer; so briefly that while he was going into the lobby and returning from it this very important point had been disposed of. This was a very grave matter, and the House would consider—for he was sure they were laudably inclined to execute this portion of their duty when disposing of the civil list —he was sure they would agree with him in thinking that it would be very desirable that time should be given for them to understand the nature of those properties. Were they to let it go forth to the public that the duchies of Lancaster and Cornwall were under the cognizance of Parliament, with the notion of deriving advantage from the concession, when, in reality, there was none? The right hon. Gentleman had protested against a multiplicity of objects being thrown upon the Committee. He (Mr. Harvey) did not know that the properties of the duchies were to be inquired into by that Committee. He apprehended not; for if it were, no justice could be done to the subject. He, on the contrary, considered that a Committee ought to be exclusively appointed for the purpose of inquiring into the nature, extent, and application of the properties belonging to the duchies. He believed the properties to be enormous in value. He was ready to admit that he had not sufficient information upon the subject to justify the statement he was about to make, but what he asserted he gathered from the statement of hon. Gentlemen who had taken part in these matters in by-gone times. He thought he might without exaggeration state the amount; at all events it was in the power of the Government to vindicate those resources from any statements that might be erroneous. He believed that the properties of the duchies of Cornwall and Lancaster, if they ever became the property of a Gentleman who should be, luckily for himself, called to the upper House, with the style and title of Duke of Lancaster, and with these inherit the property of them, he might, with the duchies of Lancaster and Cornwall, congratulate himself upon possessing a clear income of 100,000*l.* a year. That would not be all; the periodical fines would be enormous. Within his own knowledge, there was a Gentleman, a Member of that House, whose ancestors possessed a large property in Kennington held upon a lease for three lives—it so happened that when one of them dropped off, the Gentleman thought that, according to the good old custom, he had only to pay 1,000*l.* or 1,500*l.* for putting in a new life; but, according to the economy now practised, he was told he could not have it upon the payment of the customary fine, but must pay for it according to the value of the property. This was like the noble Lord's scheme touching the church property in England, and so far he (Mr. Harvey) had a regard for the system; and the officer of the duchy estimated the fine for one life at 70,000*l.* which fine was actually paid, and when the other two old lives shall fall it has been intimated that a similar fine will be expected upon each. Here then is one property, one of many like it for which the Crown actually receives nearly a quarter of a million sterling. And he would ask the House, if resources of this kind are to be passed over uninvestigated. There were few persons, he believed, who had any idea of the value of the duchy of Cornwall. He asked the hon. Members for Cornwall if they were aware of it—if they did not know that there were as many manors belonging to the duchy as there were parishes? and although the surface of the county was not remarkable for the produce of corn, it was still to be remembered that it abounded, and was very rich in tin. The Crown was entitled to 4*s.* for every hundred weight of tin that was raised; and which, he was told, amounted to something between 20,000*l.* and 30,000*l.* a-year. When, then, the Chancellor of the Exchequer assured them of the fact that 1,200*l.* the amount of the droits of the Admiralty, were given up, and when he assured them that other droits were also given up (all exceedingly commendable), and at the same time said that the duchies were to be placed under the control of Parliament, he hoped the right hon. Gentleman would add, that the inquiry into them would be carried on in such an efficient way that it would put the country in possession of the character, extent, and real value of those properties. He came now to the more immediate object of his amendment, and in order to obviate the impression which the Chancellor of the Exchequer laboured under, and which he had endeavoured to convey to others, that he (Mr. Harvey) wished to steal a march upon him, by the change of his notice, he should say a few words. His notice for a Committee had been given before any intimation on the subject had come from the right hon. Gentleman himself, and not until he had gathered from the right hon. Gentleman's notice the course that the Government meant to pursue did he deem it to be necessary to alter his notice. But if hon. Members wished it, or they had a little time to spare, and as the season was cool, and as there were 158 new Members to whom this matter might be a novelty—if hon. Gentlemen had not any objection, he would bring on the motion of which he had given notice at any more convenient period. His object was to bring the subject forward in the fairest and the best way. If the right hon. Gentleman would look at his motion as it appeared in print, and that which had been now placed in his hands, they would be found to be the same, and their object the same. He now came to the suggestion of the right hon. Gentleman with the view of ascertaining whether they agreed in their object. Unless he was mistaken they completely differed. At the same time that he did this, he begged to remark that he was not sorry that they differed; and if it was so, he did not regret it, for, after what had passed, he felt that his object must be attained. However deserted by the Government, he should be strong in Conservative support. He felt convinced that that powerful party would not sit in sullen silence and submit to the sneering rebuke to which they had been exposed by the Chancellor of the Exchequer. He had slily, though not in actual words, claimed that approbation of the pensions, granted by the present Government which had been denied to his predecessors. The moment he heard that taunt, he immediately exclaimed that his motion was carried—that the Ministry were in a minority—and to speak according to the Parliamentary terms of past times, "they were out." It was true, that to parry an inconvenient motion made by himself (Mr. Harvey) in 1834, the Government moved and carried an amendment, that thereafter no pension should be granted which was not justified by some public service—some high literary or scientific pretensions. All this was well, and the right hon. Gentleman boasts that he and his friends have not contravened this resolution; and he entered upon a boastful examination of the pensions bestowed by the right hon. Gentlemen — that since they held the key of the pension fund that not one sixpence of it had been misapplied in a manner at variance with that resolution. They said they defied inquiry: and this he proposed to prove by loud praises of Mr. Airy, and Mrs. Somerville, and Mr. Moore. These said the right hon. Gentleman are all literary characters, and challenge the light of day. Government said that persons might run their eye over the whole fourteen or sixteen pensions they had granted, and let the terms of that resolution be the test of their purity and integrity. This they said, they did, knowing the vigilance that would be exercised over them, at the same time caring nothing for the Tories, and less for the Radicals. They declared, too, that they were prepared to stand or fall by the spirit of that resolution, which, as a cabinet, they had acted upon. There was great skill, but there was also some little artifice in this. Now he (Mr. Harvey) knew nothing about Mr. Airy, he knew nothing about Mrs. Somerville—he knew nothing about Charlotte Stewart. For aught he knew, every other pensioner was as learned and pure as these were said to be. God forbid he should breathe a syllable affecting the character or pretensions of these worthies. He was the friend of them all and could not bear to hear, nor could the Conservatives bear to hear those invidious comparisons. They would join him and insist that the grants of a Wellington were pure as the grants of a Grey, and that purity was the basis of all. All he wanted to do, was to apply the test of 1834 to the living list. But then, the right hon. Gentleman said that great injustice might be done; and he took occasion to allude to Lord Farnborough, who for some solid reason or another had bountifully foregone his pension. Some other Lord was also mentioned; and there was also the case of a Mr. Morton, who, for discovering a mistake of 120,000*l.*, was rewarded with a pension of 250*l.* a-year. Now, all this might be very generous in the Lord, and praiseworthy in Mr. Morton: but he was not dealing with cases, but the whole batch, and it would seem by the terms of his amendment, he contemplated nothing unkind to any one, but he sought protection for the people against strongly suspected plunder — let the words of the amendment be duly weighed. He was studious to conciliate all sincere reformers. [Here a delay occurred in looking for Mr. Harvey's resolution, which had been handed up to the treasury bench. It was stated, that it could not be found.] He felt, he said, flattered by its not being forthcoming, as it was the first document that he had ever framed that had been taken care of by a cabinet Minister. The object of that amendment was sincerely to apply an honest test to the Pension List—to do so liberally—not to examine into each case with stern and iron unkindness—not to look into them with that rigid inquiry and cold calculation which, in modern times, was the subject of so much merited obloquy. And his inquiry was to extend over the whole list, not to pick out particular cases either for blame or praise, but to take each living pensioner from 1781, the oldest living, down to the present hour. He was ready to admit, that if as much could be said of all, as could be said of more recent appointments, he should not only be content but really rejoice. But this result must grow out of a searching inquiry, and not from friendly assurances or party exaggerations of individual pretensions. Nothing should lead him to make a remark upon any individual which might induce gentlemen to interpose against inquiry under the impression that any ungenerous test would be applied. Upon former occasions, when he had in every way been baffled by a party who assumed to themselves the name and pretended to be Reformers, he had been compelled, for the purpose of diversifying the subject, to fasten upon some individual cases. He had experienced how inexpedient was that course. It was well for the right hon. Gentleman to make certain persons the object of his laudation; this was a safe and a very pleasant course to follow, but such was not the case with him, who had felt it to be his duty to make others the object of his censure. Now, indeed, it delighted him to dwell upon the latent virtues of this much calumniated list—and in believing that Mrs. Somerville and Miss Stewart were no purer than all the rest—for all were equally pure as Miss Stewart and Mrs. Somerville; but did the world so think. An ungenerous, a censorious, a scandal-loving world was under the impression that upon the pension list there was many a hoary sinner. That there were still there those whose pretensions were to be found in the secrets of the Cabinet or the indecencies of the couch. Many individuals thought so, but he did not think so.—There were certainly individuals who considered that some had found their way there whose pensions were the price of their political apostacy or the easy resignation of their virtue. It was the duty of that House to save these individuals from unjust imputations. After what the Chancellor of the Exchequer had thrown out with respect to the pension list, it became them, it became those young men—it became those 158 young generous youths to step forward and throw the broad shield of their gallantry over individuals madethe subject of unjust imputations. If they had any young blood stirring in their veins, they must have the gallantry to come forward and aid the ladies that were thus slandered. Why, he asked, were Mrs. Somerville and Miss Stewart made the express objects of approbation and applause? unless for the express purpose of showing up the Arabellas and Angelinas, andother ladies who ought not to have pensions. The right hon. Gentleman thought that there ought to be inquiry. So thought he, and so did many amongst those near him think; and so would they all think if they were on the opposition side of the House. Every one of them would speak as he did upon this subject, only that they would do it in a better manner. He wished now, however, to call home their scattered thoughts, and to ponder upon what was their serious duty. The present Government had overthrown the last administration upon this very subject. [Loud cries of "No, no."] He knew that it was very convenient to say no, but for what he said there was sufficient foundation. When the right hon. Gentleman opposite (Sir Robert Peel) and the Duke of Wellington brought forward their civil list in 1830, it was attacked upon various grounds, and by some it was said that the whole amount was enormous and outrageous, and above all, the pension list should be made the subject of rigid investigation. He should sedulously avoid that which was of all things the most unacceptable, the bringing forward speeches which had been made upon former occasions. There was something dry and uninviting in it; but the speeches of eloquent and great men made a lasting impression, and he could not forget, that the right hon. Member for Dundee, then the Member for the Queen's county (Sir H. Parnell) had been the mover upon that occasion. He had no hesitation in saying that that right hon. Gentleman had, in the most pointed manner, declared his conviction that the pension list required a most rigid investigation, and with that view, urged the appointment of a select committee, and after a furious struggle, and successful division, a committee was appointed. It was true the course proposed now was different from that then followed: but the result of the Committee at that time was, that instead of a shilling being saved, there was something like an addition of 10,000*l.* or 12,000*l.* Then there came a film over the political eyes of the nation, and the House was hardly in a state to see or judge correctly. It was told in Downing street, and it was whispered among expectants, that if there was an inquiry into the pensions, it would be fatal to the reforming Government. It became, then, a calculation with Reformers, whether they would consent to the passing of an act of apparent injustice, or hazard a measure so much desired by the country—whether they would yield what was their sense of duty, to the consideration of a higher and more permanent obligation. It was then admitted, that it was the right and the duty of that House, at the commencement of every reign, to investigate all these charges; but, for the reason he had stated, the intentions of Gentlemen in this respect were controlled. Notwithstanding the successful opposition that had been made against inquiry, the right to make it had never been denied nor relinquished; he had always hoped the time would come when the inquiry might be unfettered from all apprehensions, and that time had now come. He asked any Gentleman to stand up in his place, and tell him and the world—that world which was looking with eagerness to their discussion, and to their decision—on what ground was inquiry to be withheld into grants which were universally believed to be improper. He knew that there were hon. Gentlemen upon the other side — he did not concur in their principles, although he respected them for their consistency — who maintained that that House had no right to go into those matters, and who broadly asserted that the Crown had an indisputable control over the hereditary revenues of the country, to make away with the whole of it, either in large lumps or convenient slices, as suited its caprice, its pleasure, or its whim. Those who maintained such opinions ought to belong to the cabinet of Don Carlos, they ought to have lived in the times of Charles or of James, at all events they had no right to live now. They ought to be kept as safe and as sacred as old china, and put up in a corner, where they would be free from the apprehension of danger or of damage. But then there was another class in that House, who tardily conceded the right to inquire, but restricted its exercise to extreme cases, for they contended it was unkind and injurious to scrutinize too closely the acts of royal bounty. Another objection had been made to him in the three successive struggles to make the Pension List subject to revision, which was, that he was concluded by compact and by Act of Parliament. There was, indeed, a compact of which they had heard much, and which he regarded as a stratagem—a fabricated stratagem. It was represented, and successfully, too, that his late Majesty, whose sober virtues, and love of country were loudly extolled after his death, by the noble Secretary for the Home Department, was yet so dogged and obstinate, and so selfish withal, that he would only give his assent to the Reform Bill, upon condition that the Pension List should be allowed to pass, untouched and unrevised. That was the sort of story manufactured for the adherents of the Government, and the result was his defeat. That time had now gone by, and he had no desire to re-open the subject. All that he now desired, was to bring the House to the consideration of this important and interesting question—not unimportant in a pecuniary point of view, but most important as involving great principles—and which question, as far as possible, it was his intention to keep unentangled by party bias and party prejudices. He ventured in the few remarks that he had made the other evening, to appeal to the kind-heartedness of those who heard him. He knew how stubborn were the influences of party, and how binding were the motives of political faction; yet he trusted they inherited an enlarged spirit of generosity, and a sincere love of justice, that would triumph over every minor consideration. He did not believe otherwise of that House, fresh as it was, from the constituent body. For Reformer as he was, he did not believe that the Members of that House were indifferent to the desires of the people, or that the people were indifferent to their deliberations. It was, because so many Members were opposed to an extension of the suffrage, to that valuable portion of the people, who were the source of their wealth, their power, and their greatness: it was upon this account that he called upon them to stand forth, as men and as Christians, to throw aside all the trammels of degrading and emaciating faction, and, in the proud attitude of patriotism, to tell the children of servitude, to those who laboured from morn until eve, to the poor and the unprotected—that the sentiment and the principle which that House cherished, was that of doing equal justice to all, whatever might be the distinction of orders or of rank, or however necessary they considered such differences to the existing form of Government, that to all they desired the same rule to be applied, and that there should be the same law for the cottage as for the palace, and that while no wrong was done to the titled, no insult should be cast upon the peasant. Let them, then, he said, look to their poor—let them behold the labouring classes bending their weary way to the poor-law guardians, to whom not a miserable shilling was spared, wherever there was a connexion on whom they could be made dependent, and from whom a contribution could be wrung. He called upon Members of that House to stand forth and tell the poor that they were their friends; that they were not exclusively solicitous for persons with splendid titles and without sympathy for the lowly and dejected. However, he did not believe that such was the character of that assembly; that such was the course they would pursue. He had his own opinion upon this matter; but when they heard of vested rights—and they were told of vested rights in the pension list—he would ask, what takes place before the Poor-law Commissioners? He appealed to his hon. Friend, almost the only county Member in that House who felt a real sympathy for the poor. It might seem invidious, but he could not help referring to the representative of the county of Kent (Mr. Hodges)—he appealed to and asked that hon. Member whether he did not remember evidence to this effect having been given before the Committee:—A man married a woman who had an illegitimate child at the time she was married; the father of the child had been ordered to pay a certain weekly pittance for its support; this married woman discharged the relations of life decently; the Act of Parliament passed; and the father of the child refused to pay the 18*d.* per week that he had before paid. The husband resorted to the Poor-law Commissioners to enforce payment, and he was told that under the New Poor-law Act the allowance could not be enforced. Gentlemen who contemplated a marriage settlement, as something relating to estates and funded property, might ridicule the idea of a poor man's settlement, but this 18*d.* per week, was as much a vested right, under the sanction of law, as any property, however extensive, secured by deed. He had lately been present at a meeting of Poor-law Guardians. He had seen one hundred wretched creatures standing about the doors—who were admitted, one by one. There entered a poor woman, seventy years of age, bearing upon her back the tattered evidence of past respectability. She was asked as to her circumstances, and it appeared that she was the widow of a man once a considerable tradesman in the parish, and who had contributed to various parochial burdens. She was asked if she had any children, and she replied that she had two sons, one a bricklayer and the other a baker, that both were married, and each had children; that they earned about 18*s.* a-week each, which was little enough to support their own families. What was the answer of the board to this woman? That while she had two children, and they were earning 18*s.*, a-week each, she must look to her sons for support. And when the committee were reminded that she was the widow of a man once in as good circumstances as most of themselves, they gave her 18*d.* and a loaf, and told her not to mention it to others, fearing the example might become expensive. Was not the same rule of justice to be enforced against the rich as against the poor? In the name, then, of common Christianity he asked them to vindicate their common humanity from this reproach. They daily prayed to their undying God that their deliberations might partake of his heavenly wisdom. He then asked them, in the name of the God they worshipped, when they dealt out that species of justice to the poor, the old, the unprotected, and the helpless, would they yet suffer a list of 1,200 pensioners, 300 of them with titles, and many of them connected with the proudest of the land, to go unquestioned? Were they to do this on the ground that inquiry might be inconvenient, or impose a difficulty upon themselves? He did not urge that ungenerous scrutiny which had been applied to the aged widow; he merely asked, in the utmost delicacy of polished phraseology that some inquiry should be made, whether the same reasons for the continuance of other pensions might not be discovered similar to those so eagerly urged on behalf of Miss Stewart and Mrs. Somerville. If this were the case, let them all live on the national bounty—let them live on the people's industry—let them feed on the unenviable notoriety that they were sustained, by contributions coming from the highly-taxed industry of the labouring poor. Let the proud aristocracy of England run over this memorial of their meanness, and congratulate each other in finding that the enduring patience of the poor, enable them to sustain their titles, by pilfering from the lap of industry. Be it the lot and the glory of that House, to expose the wrong and denounce the fraud. These were the grounds on which he ventured to appeal to the House. He was well aware that when he sat down his words would pass away; but at the same time he might be allowed to flatter himself with that circumstance, that he stood there unconnected with party; he cared not whether the present Ministry were dissolved to-morrow and succeeded by another. He was an advocate for good Government by whomsoever administered, and he required no better test of their disposition than that which the support of his motion implied. Yes! He would make his appeal, his fearless appeal to the proud phalanx which was arrayed before him—to step forth, and throwing indignantly aside the degrading shackles of faction to illustrate by their actions, the purity of their intentions. Let them show to the world, that while they were bound by sacred ties to resist the headlong steps which in their fears might dash them into the fathomless abyss of innovation, yet, that when humanity calls for their aid they are at their appropriate station, and by acts, far more eloquent than words, speaking comfort to the lowly of the land, and whispering to the dejected children of want and sorrow, that in the Conservatives of England, the poor shall find great and generous friends. The hon. and learned Member moved the following amendment:—"That such Committee do cause full examination to be made into the circumstances under which each existing pension was granted, and whether the continuance of the same be justified by any public services or special circumstances."

Mr. *Hume* was afraid his hon. Friend had misunderstood what had fallen from the Chancellor of the Exchequer. If his hon. Friend had understood the purport of the right hon. Gentleman's speech he was sure he would not press his amendment. The very object of his hon. Friend's amendment was met by the Chancellor of the Exchequer, and he hoped that the right hon. Gentleman would satisfy his hon. Friend by repeating his declaration.

Colonel Sibthorp seconded the motion.

The *Chancellor of the Exchequer* felt bound to apologise to the hon. Gentleman, the Member for Southwark, for the inconvenience he had been subjected to in consequent of his lost paper. In reply to the observation of the hon. Member for Kilkenny, he begged again to appeal to the unqualified manner in which the words of his motion conveyed the intention of her Majesty's Government when they moved for a Committee to carry into full and entire effect the object comprehended in the notice which he held in his hand. He believed that, with one exception his notice corresponded with the wishes of the hon. Member for Southwark. He believed that that hon. Member wished to add sinecures. [Mr. *Harvey*: I do not.] He was glad of it, as he thought that such a suggestion would only have the effect of prolonging the inquiry, without leading to any good result. He would read again his notice of motion; it was for a Select Committee to inquire into each pension, and whether it ought to be continued, having due regard to the just claims of the parties, and to economy in the public expenditure. He would only add, that he should feel bound to give every assistance in his power to promote the inquiry.

Mr. *Harvey* begged the House to excuse his anxiety to know if he rightly understood what had been said. Did he understand the Chancellor of the Exchequer to say that, though he considered it inconvenient to incorporate this inquiry with the Committee for which he moved, yet that he would have a Committee having for its object the resolution he had just read? Was he, then, in the first place, to understand that there would be no money voted in reference to these pensions until the inquiry was made and the result known. He was sure that the Chancellor of the Exchequer would not suppose that he imputed to that right hon. Gentleman anything like a desire to avoid the object of that resolution, but that he would appreciate his anxiety to understand the right hon. Gentleman. He wished to see every thing done sincerely and correctly. Was he to understand that they would have a report from the Committee, and that the money should not be voted until all those pensions had been examined in the spirit both of liberality and of vigour which was intended?

The *Chancellor of the Exchequer* thought that the explanations, he had already given were so clear that no person, unless one who was rather disposed to look at everything proceeding from the Treasury bench with suspicion, could possibly misunderstand him. The hon. Member for Southwark seemed to suspect that his object was to delude the House of Commons in this inquiry, and in the mean time to obtain a confirmation of these pensions, so as to prevent the inquiry from being turned to any practical purpose. He would take for instance, a separate pension in the civil list. Suppose the inquiry should lead to the result that it was reported inexpedient to continue this pension, and that pending the inquiry Government had by other proceedings, taken steps to have this pension granted, and the House of Commons was thus deprived of power and control over such pension, then he would say, that the inquiry would be an utter delusion. The intention was, that these pensions should not be appropriated pending the inquiry. He drew this distinction in order that no difficulties might be thrown in the way of the settlement of the civil list, as that settlement need not commit them with respect to any of these pensions. He trusted this explanation would be satisfactory.

Mr. *Harvey* said, that whilst he had no desire to be understood as relaxing in any degree the impression that he had overweening confidence in the Government, still he must say, that he had a sincere confidence in the purity of the right hon. Gentleman's present intention, and he hoped that the enquiry would be carried out as efficiently, as sincerely, and as certainly, as he wished it to be. Under the circumstances he would withdraw his amendment.

An hon. *Member* inquired whether the inquiry would extend to the royal household?

The *Chancellor of the Exchequer* said, that he would lay all the information in his power before the Committee, but he could not consent to an inquiry into the wages of the menial servants of the royal household.

Sir *Robert Inglis* was unwilling that the House should proceed to nominate the Committee without his adding a few words to what the right hon. the Chancellor of the Exchequer both did and did not say. He had not heard the right hon. Gentleman, in the course of his observations, state to the House a single word as to the fact, that her Majesty was giving up a very large annual sum to the country, larger than it received. The right hon. Baronet alluded to several former returns which had been made to the House on the subject of the Crown revenues, according to one of which the country appeared to be considerably the gainer; and also referred to several successive reductions which the civil lists for many years past had undergone, by which there had been a gain to the public of upwards of twenty millions of money. With respect to the pension list, there were many persons upon it whose pensions were Parliamentary pensions, and he thought it was not for a Minister of the Crown to deprive the Crown of the right of making whatever distribution it pleased of its own income, especially in those cases in which the pensions had been sanctioned by Parliament. The total amount of all the pensions of the country was but a trifling part of the national expenditure, and scarcely bore the fractional proportion of one halfpenny to the great revenues of the kingdom. He would move, that the papers which had been laid on the table, showing what the Crown had given up, be referred to the Select Committee on the civil list.

The *Chancellor of the Exchequer* said, that as to the public being benefited to the amount stated by the arrangements entered into, he did not believe one word of it. Indeed, he believed, that the hon. Baronet was peculiar in his opinion on the point. If the hon. Baronet carried his principle to the full extent it would go to this, that James 2nd, who had a revenue of 2,400,000*l.*, held it as an estate with which he might have done whatever he pleased. The true position of the case was this:—The hereditary revenues of the Crown were subject to old hereditary duties, and in proportion to the Sovereign's income was the proportion of the expense which pressed upon him. He would only add, that he should be very unwilling to appear to the House to be so deficient in the performance of his duty as not to have stated what the hon. Baronet had stated, if the statement were correct.

Mr. *Goulburn* said, the House must be aware that, up to the commencement of the late reign, it had been the practice of the Minister of the Crown to present to the whole House, without the intervention of a Committee, the sum which they thought it fit for the House to grant in return for the hereditary revenues of the Crown. On the occasion of the accession of William 4th, it was known that that practice had been departed from, and departed from more with the view to a particular political object, than with any regard to the settlement of the civil list on terms either advantageous to the Crown or convenient to the country. As a Select Committee had been appointed on that occasion, a precedent had been established, from which precedent, whatever might be his own private opinion, he did not think it necessary to call upon the House, on the present occasion, to depart. It was, therefore, not his intention to offer any opposition to the appointment of the Committee, or to enter into a discussion upon the principle involved in it. But there were one or two topics in the speech of the Chancellor of the Exchequer, from which he was led to believe that the right hon. Gentleman had not dealt with the case in the spirit of fairness which he should have expected. As he had had the good fortune to be in the service of her Majesty's predecessors, he thought that he should not be accused of any disrespect to her Majesty in venturing to offer one or two observations respecting the Civil-list of those predecessors, in justice to arrangements upon which the right hon. Gentleman had attempted to cast blame. The right hon. Gentleman had adverted to the reign of George 3rd, and stated that a large amount of grants had been made to that monarch, in addition to the Civil-list settled on him, at the commencement of his reign. He had spoken of the gross sum of droits as twelve millions sterling, and of a debt to the amount of 3,800,000*l.*, so creating an impression on the public—though certainly he could not have intended it—that the sum of 15,800,000*l.* had been enjoyed by George 3rd, in addition to what had been granted to him by Parliament for his Civil-list. The right hon. Gentleman had afterwards, indeed, made a material deduction, when he said that, out of those twelve millions which had accrued to the Crown, nine millions and some odd hundred thousands of pounds had been repaid by the Crown, and applied to other civil purposes than the support of the dignity of the Crown. But what he complained of on the part of his right hon. Friend was this, that while stating the whole amount of these sums as having accrued during the reign of George 3rd, he had not, at the same time, told the House, that during that reign of unexampled length—a reign of sixty years—the whole amount enjoyed by the Crown, over and above the Civil-list voted to him by Parliament, was a sum not exceeding 100,000*l.* per annum. He knew what an impression statements of large sums in the gross made on the House and on the people; and he was, therefore, anxious that they should understand that the amount which, during sixty years, George the 3rd received in addition to his Civil-list, was no more than 100,000*l.* per annum. In considering this matter, the House should bear in mind the circumstance, that during the reign of George the 3rd the government of the country was mainly paid for out of the sum voted for the Civil-list — that a vast increase had taken place in the revenue, and a great augmentation had been made to several establishments—and that that said sum of 100,000*l.* covered the additional expenses incurred thereby—expenses not incurred by the extravagance of the monarch, but by pursuing, with energy and activity, the business of the country. Having served his Majesty George 3rd, though in a humble capacity, he thought it his duty to present to the House what his right hon. Friend would, now that it was brought to his recollection, admit to be the true state of the case. There was another circumstance to which he wished to call his right hon. Friend's attention. His right hon. Friend had adverted to the fact with great satisfaction—a satisfaction in which he (Mr. Goulburn) participated, because the circumstance reflected the greatest honour on William 4th, whose loss they had lately deplored—that, during his reign, no debt accrued on the Civil-list. Such, indeed, was the fact. But his right hon. Friend ought, in justice, to have stated that, during the reign of George 4th also, no debt had accrued on the Civil-list. If William 4th were entitled, as he thought he was, to praise on that account, so, likewise, must George 4th be entitled to it, who, during the period which he occupied the Throne, contrived also to keep up the establishment and dignity of the Crown in such condition as was required from the monarch of this country, and, nevertheless, did not incur any debt, or come to Parliament with additional demands. He had another remark to make. His right hon. Friend had stated, that her present Majesty stood in a situation very different from that of her predecessors, inasmuch as other monarchs had had the advantage of a large personal property devolving on them from their predecessors. Such was not the case in the present reign. That fact might be true with respect to some of her predecessors; but in asserting it with respect to the others, his right hon. Friend had been mistaken. His right hon. Friend would find, he thought, that King William 4th received his personal property from his predecessor *jure coronæ*—that George 4th having died intestate, his property descended to William 4th in right of the Crown; but if William 4th had received in that capacity a considerable sum, it must not be forgotten, to the honour of his late Majesty, that he, in consideration thereof, forbore to take from the public what a willing public would have conceded. There must, he was sure, be Members in the House, and in the Government, who could inform it that when William 4th was offered an establishment and outfit for the Queen, he distinctly refused the grant, and himself bore the charge, which, judging by antecedent occasions, could not have fallen short of, if it had not exceeded, 50,000*l.* Again, the right hon. Gentleman had stated what had been the saving which accrued on the Pension-list under the arrangement made in 1830; and had taken to himself credit for the fact, that in the period which had elapsed there had been on a Pension-list of 164,000*l.* under the legislative provisions then introduced, a diminution of 26,000*l.* His right hon. Friend had stated also what was perfectly true in his comparison of the Pension-list in 1820 and 1830, during which period the friends with whom he (Mr. Goulburn) was connected administered the Government of the country; and if he now adverted to those two statements, it was only for the purpose of doing justice to those who had preceded the right hon. Gentlemen opposite, by showing that they had not been neglectful of the interests of the country, so far as the Pension-list was concerned. The Pension-list in 1820 amounted to 203,000*l.*, and in the ten years from 1820 to 1830, when they were not restricted by legislative provisions, as at present, they reduced it from 203,000*l.* to 164,000*l.* making a reduction of 39,000*l.* at a period when the control over the Pension-list was not so fettered by Parliament as at present, and when the power of abuse was more in their hands if they were inclined to exercise it. Thus, comparing the savings of the former Government with those which had been since effected by the hon. Gentlemen opposite, it would be found that their predecessors had not less contributed to relieve the burthens of the country as connected with the Pension-list. These were the only points to which he had occasion, at present, to call the attention of the House. It was determined to refer the documents relating to the Civil-list to a Select Committee. When those documents should be returned to the House, and they should have full information as to what was the opinion of the Committee upon the estimates which his right hon. Friend opposite had submitted, he thought that would be the period when the House might fully enter upon the discussion of the question; and it was, therefore, that, on the present occasion, he should forbear from offering more than the few observations with which he had taken the liberty of troubling the House.

Amendment negatived original motion agreed to; and Committee of twenty-one Members appointed.

HOUSE OF LORDS,

Friday, November 24, 1837.

Minutes.] Petitions presented. By the Earl of Durham, from Members of the Stock Exchange, that the recommendations of Mr. Hill, relating to the Post-office, may be carried into effect.—By Lord Kenyon, from Whitechurch, Shropshire, against the union of the Bishopricks of Sodor and Man with the See of Carlisle.

Imprisonment for Debt.] The *Lord Chancellor* moved the first reading of a bill which had for its object the amendment of the law between debtor and creditor, the giving of more effectual remedies to creditors—and for abolishing imprisonment for debt, except under certain circumstances. He would take that opportunity of stating that great misapprehension had existed as to the several bills on this subject which had been introduced into that and the other House of Parliament. The general impression had been, that abolishing imprisonment for debt was their sole object; but if such had been the fact, those bills would not have found a supporter in him. Those bills, however, had not only the object of abolishing imprisonment for debt, but also of affording more effectual remedies to creditors; and it was with this idea that he had advocated the measure which he now presented to their Lordships' notice. He would mention the date of the several proceedings which had taken place on former bills, not with the intention of exciting discussion, but of inducing their Lordships to take a favourable view of the measure. In the month of August, 1835, the bill had been brought up to their Lordships' House from the Commons; but their Lordships then thought that they had not time to enter fully into the consideration of the subject, and for that reason postponed it. In the year 1836, the bill had been re-introduced to that House on the 30th of June; and on the 11th of July, when the second reading was moved, an amendment was carried, postponing it for three months; and it was understood that this course was taken, not because their Lordships wished to express any opinion upon the measure itself, but simply because they had not time to give it due attention; for although the House sat beyond three weeks after the measure was brought up, yet it was soon afterwards prorogued, and by this postponement he did not think it possible to show that their Lordships had given to the bill any marks of disapprobation. In the last Session the bill reached that House so late as on the 4th of July, and the dissolution took place on the 17th. Their Lordships had never, therefore, passed any opinion upon the merits of the bill, and he (the Lord Chancellor) had adopted the present course of introducing the same bill as last year at an early period into their Lordships' House, because it had received the sanction of the late House of Commons, and because, although he could not agree in all the details, it was desirable to call their Lordships' early attention to it before they had other important business submitted to them, in order that it might be discussed and passed before the Christmas recess. He hoped, therefore, that their Lordships would allow him to fix the second reading for the first Tuesday in December.

Lord *Abinger* thought, that though his noble Friend said that he would not support a bill for the abolition of imprisonment for debt alone, yet that if he supported this bill he must do so on other grounds than he had stated. If the bill were a measure for moderating the system of arrest for debt on mesne process, he (Lord Abinger) would have supported it; but if he understood the provisions of the present bill rightly, they went to create, under the colour of giving compensation to creditors for the loss of their present power, so great a change in the adjustment and liability of property that he could not view it without considerable alarm. In this country, by the present law, a defendant had a right to contest a claim made against him at every step; he might go through all the courts till he reached that House, but it was proposed by the present measure to allow a judge in the first instance to declare whether a man had a defence or not, and from this decision there was no appeal; and he, for one, could not consent that so important an alteration should take place. He thought that the safest way was to proceed by steps. Some years ago, a proposition was made in the other House to limit the power of arrest by confining it to sums under 20*l.*, the previous limit having been to sums under 10*l.* A bill was accordingly passed, and the alteration had a most useful effect. When he had had the honour of serving as Attorney-General, and the bill for assimilating the practice and jurisdiction of the different courts was under consideration, he had proposed some other amendments, but they had not passed. He thought that the present bill went too far; and as it had not passed the House of Commons till after repeated deliberations during three Sessions, it ought to be well considered by their Lordships before they adopted the important principle involved in it; and without opposing it, therefore, he begged of his noble and learned Friend to give the House further time than he had proposed previously to the second reading for the consideration of the details.

Lord *Brougham*, before his noble and learned Friend acceded to the request which had just been made, could not help suggesting that great inconvenience would arise from complying with it, and the expediency of not delaying more than was absolutely necessary the consideration of the principle or the details of this important measure. If they put off the second reading, as requested, it would seem to him unavoidable that the measure could not pass before the recess, and it would be a source of great disappointment to the friends of the measure, both in that House and out of doors, who looked to its success with great anxiety. So far was he from thinking with the noble Lord opposite that it was impossible to pass it before the recess, that he considered there was ample time for giving it full consideration. The other House had thoroughly discussed the subject in all its details. It had not merely been fully discussed during three Sessions, but, if he were not mistaken, it had been referred to the consideration of a Select Committee of the other House, who had examined and scrutinised every detail, and it was only on the report of that Committee that the bill was adopted. It only remained, therefore, for that House to discharge its duty; and unless the House meant that between this and Christmas it did not mean to discharge its duty, he had no reason to despair of the bill passing before the recess. Upon the details of the Bill there might be some difference, but he must say, that abundant opportunity would be found for discussing those details whatever day was fixed for the second reading, and it could not be said that ten days was too soon for preparing that discussion, especially as it was not a new subject. Having made these remarks, he would not further have troubled their Lordships had he not been rather anxious to remove a false impression or great misrepresentation which had been made through ignorance, and which had been spread in other places, as to the delay which had arisen on this bill. He was ready to bear witness to the fact, that their Lordships' House was not at all to blame in the present instance, whatever other sins it might have to answer for, either formerly or lately, for the postponement of this measure in 1835. It came up to this House at such a late period of the session that it was impossible for their Lordships to take it up that session. They were on the point of entering upon the important question of corporation reform—it was the end of the session, and they had arrived at the 5th of September; and he would put it to any commonly reflecting person, whether it was possible for the House at that period to proceed with a measure which, though he was friendly to its provisions, he must admit to be one effecting a larger and more sweeping change in the whole law of debtor and creditor than was ever made. Fatigued as they then were, to enter upon a fair consideration of the measure was out of the question, and their Lordships therefore, were not to blame for postponing it. But then it was said that it was not proceeded with in 1836, and the blame of that was fixed upon him (Lord Brougham) and it was from that blame that he wished to vindicate himself. He could not exactly say, however, that it was a blame for it had been most courteously stated by the noble Duke opposite (the Duke of Wellington), and as courteously elsewhere, that the postponement of the bill in the session of 1836 was owing to his (Lord Brougham's) indisposition and his necessary absence from the House. But such was not the case. Much as he lamented his illness, for its effects upon himself, he should have lamented it still more if it had been the cause of postponing so salutary a change in the law. In the session of 1835, when the bill was deferred because of the late period of the session, an arrangement was made upon his suggestion, to which the noble Duke opposite assented, and to which his Majesty's Ministers also assented, and in order to avoid in the next session the errors which had been then committed, that at the earliest period of the next session, when their time was unoccupied, and the day was before them to work, such measures as were then delayed and could be brought forward in that House should be proceeded with immediately, and that sufficient time should be left for those measures which would come from the other House at a later period of the session. It was admitted on all hands that this was the proper course to be pursued, and it was arranged that this bill should be originated in the House of Lords at the opening of the next session. Then came the next session, and it was naturally expected that the bill would be introduced, but it was postponed till the 18th of July, when, if there were not reasons for laying it on one side, there was at least a plausible pretence. It was said that in consequence of his (Lord Brougham's) unfortunate absence—unfortunate in more than one respect—the measure was delayed. There was not a shadow of a foundation for such an assertion, as his noble Friend at the head of the Government well knew. Ten days before the beginning of the session of 1836 he communicated with that noble Lord, and, reminding him of the arrangement which had been come to, urged him strongly to proceed with the bill. In reply to this letter his noble Friend suggested if he were able to attend in his place he should take charge of the bill, as he had originated the measure in the other House of Parliament and in that. His answer to this communication gave his noble Friend the fairest notice that he could not attend, that the state of his health compelled him to give up all hopes of being present at the beginning of the session, that he would compound for being able to come at Easter, but that he must look out for some other person to take charge of the bill in pursuance of the compact entered into with the House at the end of the last session. His noble Friend's rejoinder was received before the meeting of Parliament, in which he courteously expressed regret at the state of his health, but added that he was taking steps to place the bill in other hands. This was the simple statement of the case, and he would appeal to their Lordships whether he could be blamed for the delay. Persons in absolute and dark ignorance of what had passed in that House, but at the same time with the greatest courtesy, had thrown the blame of the postponement on his illness, but he hoped that he had satisfied the House that he was not to blame for the postponement in 1835, and that his absence was not the cause of the subsequent delay.

The Duke of *Wellington* was understood to say, that he willingly admitted his anxiety to postpone the measure in 1835, and that an understanding certainly existed, that the Bill should be again brought forward at the beginning of the next Session. He thought, that till the month of July, sufficient time was not given for discussion, but he wished to postpone its consideration in such a manner that the country might fully understand that the House of Lords had not pronounced any opinion upon the merits of the Bill, that no objection had been taken to its principle. The measure sent to the House in the last Session, however, was not the same as had been postponed in 1836; it was of a totally different nature, and he thought it desirable that full opportunity should be given to their Lordships for discussion.

Lord *Brougham* hoped that it would not be supposed that he had the least design of complaining of anything which had fallen from the noble Duke, or of the course pursued by that House; he complained of a misrepresentation, or rather a mis-statement, which had been made elsewhere. A learned Friend of his, having been asked the reason of the delay, had stated that it arose from his indisposition. This was stated, in utter ignorance of all that had passed on the subject.

Lord *Lyndhurst*: One principal objection which the House entertained in 1835 was, that the House of Commons, after allowing the Bill to linger there during the greater part of the Session, had sent it up to their Lordships at the last moment, and a reasonable objection it was.

The *Lord Chancellor* had not made his original statement with the view of throwing blame anywhere, but merely to draw their Lordships' attention to the fact, that the House had never expressed an opinion on the merits of this Bill. As to the noble and learned Lord's observations on the late period of the introduction of the Bill in 1836, as he (the Lord Chancellor) then took charge of it, he alone was responsible for it, and if there were any blame he was ready to take it, and to state his reasons for the course he had pursued. To say that his noble and learned Friend was to blame, was absurd, for he was absent in the country. Not only was he not to blame for the delay, but he was not the knowing cause of it, though he was undoubtedly the innocent cause, inasmuch, as he (the Lord Chancellor) thought that so long as there was a chance of procuring the attendance of the noble and learned Lord he was taking the most beneficial course to delay bringing the Bill forward till he could obtain the assistance of his noble and learned Friend, and he thus delayed it to the utmost limit of time which he thought it could be prudently done, consistently with the view of passing it that Session. So valuable did he deem the assistance of his noble and learned Friend that he had caused this delay to obtain it. The noble Lord knew nothing of that, he imputed no blame to him, but undoubtedly the delay was with a view to obtaining his assistance. He had no objection to give the House the fullest time for the consideration of the principle and details of the Bill and was ready to name any other day more convenient than the one first proposed, to the noble and learned Lord (Abinger).

Lord *Brougham* did not mean to say that the noble and learned Lord had blamed him, but he did blame the noble and learned Lord exceedingly, now that he had stated that the cause of the postponement of the Bill in 1836 was his absence. With all the kindness and courtesy which he might have intended, there was mixed up with his statement so great a mistake as to dates, such an utter forgetfulness as to facts, and such ignorance of every occurrence during the first four months of the year 1836 as completely surprised him. The noble and learned Lord had quite forgotten the particulars, or he had been misinformed or uninformed as to them. There was not the shadow of a foundation for the statement, and though the Attorney General might not have communicated with the head of the Government as to this Bill, yet he should have thought that the Keeper of the Privy Seal would have done so; and had any inquiry been made, it would have been known that he was not to be in his place till after Easter. No one knew this fact better than his noble Friend at the head of the Government, and the Bill' therefore, must have been postponed for some other reason which his noble and learned Friend had, in the multiplicity of his business, forgotten, and not on acconnt of his (Lord Brougham's) absence.

Viscount *Melbourne* wished to know what reason there could be for delay—what was there in the Bill to require postponement? Was it not unnecessary procrastination? Was there not plenty of time to consider the general principle of the measure previously to the time proposed by his noble and learned Friend for the second reading? He had no particular interest in pressing this Bill, beyond his natural anxiety that so beneficial an object should be carried into effect; but he was extremely desirous for the regularity of the proceedings of that House. Not only was he (Lord Melbourne) anxious that no delay should take place in the measure itself, not only was he anxious that the House should be without the reproach of procrastination, but that the Government should not be subject to the reproach of allowing this measure to sleep throughout the Session. He, therefore, thought it would be better that the second reading of the Bill should stand for the day on which his noble and learned Friend had fixed it.

The Bill read a first time, and to be read a second time on the first Tuesday in December.

HOUSE OF COMMONS,

Friday, November 24, 1837.

Minutes.] Petitions presented. By Mr. Grote, from Cirencester, for Vote by Ballot; and from the Members of the Stock Exchange, that the plan of Mr. Hill, relative to the Post-office, may be carried into effect.—By Mr. C. Langdale, from Beverley, complaining that a combination had been formed to interfere with the pnrity of election, and praying the House to enquire into it.

Church Commission (Scotland).] Mr. *Pringle*, seeing the noble Lord, the Secretary for the Home Department in his place, would take this opportunity of asking what progress the Church Commission in Scotland had made, and whether it was probable that their reports would soon be laid on the table?

Lord *John Russell* said, that in answer to the question he might say, that the report with regard to Glasgow had been received and would be immediately laid on the table of the House. The report respecting Leith was also in a state of forwardness, but he was unable to give any positive information respecting any other.

BUSINESS OF THE HOUSE.] Lord *John Russell* should now proceed to call the attention of the House to the report of the Committee with respect to the public business of the House. He would not enter into general matters with respect to the business, for he was of opinion that it was a subject which required much further consideration, and he should, therefore, propose the re-appointment of the Committee, but he intended now to point out such suggestions as had been thrown out by the former Committee, which might be of service. There was no Member of the House, he believed, who would not agree with him, that both in the transaction of public business and in the conversations which took place in the House, it was of importance that the affairs should be conducted with method and order, rather than that they should have desultory discussions on subjects of a nature different from those of which notice had been given, and which tended to confuse and disarrange the proceedings. It was felt much during the last session that the days for the transaction of the business on orders of the day were frequently occupied in the discussion of notices, and on the other hand, that orders were frequently taken on those days which should have been devoted to the consideration of notices; but it also frequently happened, that on both days the House did not meet or was counted out. The Committee, in their report, said that there were many days thus misemployed there were eighty-five sitting days in the session, out of which thirty-three had been Mondays and Fridays, which had been devoted to orders of the day, thirty-four were Tuesdays and Thursdays, which should have been employed on notices, and eighteen of Wednesdays. With respect to the thirty-three days on which Government measures and orders should have been brought forward, the House had once been counted out, and once had not been formed, and twelve days had been devoted to the consideration of notices, so that of the thirty-three days nineteen only had been employed in the transaction of the proper business. Of the thirty-four notice days six had been occupied by adjourned debates which, of course, depended upon the House itself, on three the regular business was superseded by government Bills, and the House was counted out six times. Of the eighteen Wednesdays the House was counted out on five, and once was not formed, so that the regular proceedings appeared to have been delayed about in the proportion of one-third. He conceived that there were two ways in which this misappropriation of time might be remedied. It happened occasionally that on order days Members had notices to bring forward on subjects very often entirely different from those on which the House had determined to transact business, and thus sometimes a question of a far less important character to the House was introduced than that which was set down. But there was another evil which tended materially to aggravate the error in the custom, which had gained ground materially of late years; he alluded to the long notices which were given by hon. Members of motions to be brought forward. The ancient practice was, that any person desirous of making any motion might do so without notice; but in the course of time the present plan had been gradually brought into use for the convenience of the House, in consequence of which it frequently occurred that Members had notices on the books as much as three or four months in advance together, and the book was filled from the beginning to the middle, and from the middle to the end. The necessary result of this system was, that Members, who, towards the end of the session, had motions of importance on questions which were considered of little interest at the beginning of the sittings of the House, were unable to introduce them in a proper form, and, being unable to bring them forward on notice days, they were compelled to introduce them on the order days. There were two instances last session in which this had occurred. One was the case in which the motion with regard to the affairs of Spain had been brought forward by the hon. Member for Launceston (Sir H. Hardinge) and the other was the case in which the motion on the subject, which had been alluded to by an hon. Gentleman opposite this evening (the church of Scotland), had been introduced by another hon. Member. It could not be doubted that both these subjects were matters very fit for discussion in the House. They were at the time considered of very great importance; but it was impossible for the hon. Members by whom they were introduced to give notice of them, in consequence of the notice-book being filled up, and they were consequently brought forward on order days, when the House should have been occupied with other business. The Committee had made a proposition to the House on this subject which he intended to recommend, and with respect to Mondays and Fridays, on which the orders of the day were taken, he should propose that in future it should not be allowed to propose for the discussion of the House on either of those days any subject except the first order of the day, or any other order which should appear on the order-book as of the day. He did not think, however, that even this regulation would be of much use unless Members were themselves fully impressed with the great evil which resulted from the irregularity of their proceedings, and were determined to bring into effect the regulations suggested, and to make it their custom and constant practice to carry on the business of the House regularly; and he did hope that the House, and particularly those Members who had had the advantage of having sat during the last and former Sessions, and had therefore acquired experience in such matters, would think it most desirable for public business, for their own convenience, and, he might say, for the character of the House, that the measures brought forward should be regularly disposed of on the days on which they were fixed to come on. He should, therefore, in pursuance of the recommendation of the Committee, propose, first, that the orders of the day should take precedence of notices on Mondays, Wednesdays, and Fridays; and next, that on the question being put from the Chair, that the order of the day should be read, no amendment should be proposed except that some other order of the day should be read; but this should not apply to Committees of Supply or Committees of Ways and Means. He should also suggest, thirdly, that no notice of motion should be given in which the notice day was fixed at a more distant period than fifteen days from the time at which the notice was given. These suggestions, although not in the precise terms in which they were made by the Committee, were in effect the substance of their representations. The plans proposed were experiments to make the proceedings of the House more regular, without altering much its ancient rules and practice, and he had striven to keep as much as possible within the old regulations, unless when he found it was inconsistent with the spirit of the rules for carrying on the business of the House. All he desired to propose at present was, that the experiment might be tried; its usefulness could be tested far better by the House than by any further observations of his. The noble Lord concluded by moving the first of the following resolutions:—

"That in the present Session of Parliament all Orders of the Day set down in the Order-book for Mondays, Wednesdays, and Fridays, shall be disposed of before the House will proceed upon any motions of which notices shall be entered in the Order-book.

"That upon days appropriated to Orders, and a question being put from the Chair that any Order of the Day be read, no amendment shall be proposed, except that the other Orders of the Day, or that any Order set down for the same day, be now read; but that this regulation shall not apply to the case of a Committee of Supply, or of a Committee of Ways and Means.

"That no Notice shall hereafter be given beyond the period which shall include the four days next following on which Notices are entitled to precedence, due allowance being made for any intervening adjournment of the House, and the period being in that case so far extended as to include four Notice days falling during the sitting of the House.

"That with the exception of Notices already given, it shall not be permitted to any Member to fix any day for a Notice given by him beyond the term of fifteen days from the time of giving such Notice."

Mr. *Hume* had observed much more confusion during the last two or three Sessions in conducting the business of the House than ever before, and he could not but think that this was in some measure produced by the want of attention to the business of the House of those whose duty it was considered to be; although undoubtedly the duty was not confined to them, but extended to all the other Members of the House, to be in attendance on the House, and by their presence to prevent the House from being counted out. It was always believed to be the duty of the Government to lend its aid in making a House; and formerly it was understood that they did so; and if this practice were continued, he had no hesitation in saying that the business of the House would be better conducted.

Mr. *O'Brien* said, that his attention had been directed to the point of the practice which had existed of taking the orders out of their turn. He thought that this should not be done, or, at all events, that the Government should give notice of the measures which it was their intention to press forward.

Sir *Robert Peel* said, that the resolution which had been moved contemplated two objects, one of which was to restore the practice of the House to appropriate Wednesday and Friday to the consideration of Bills, and of the public business of the House conducted by her Majesty's Government. It did not appear to him an unreasonable proposition to preserve two days, Monday and Friday, to what was properly called public business, as the votes of supply were usually taken on those days, and if those days throughout the Session were appropriated to that purpose, it would not be more than was necessary. In naming Monday, Wednesday, and Friday as the days on which the orders should have precedence, it was meant that nothing but business of that description should be taken on those days, and he thought that there could be no question of the propriety of enforcing, by a new regulation, that which was already the practice of the House. Then there was a second point, as to no more than fifteen days' notice of motion being allowed. He had no objection, as a Member of the House, that this proposition should be adopted, although, as one of the Committee, he had felt some difficulty in recommending it, and he trusted that his prediction that it would be unsuccessful might prove to be without foundation on the plan being brought into operation; but it did appear to him that without some other corresponding regulations they would be only defeating the new proposition. The fifteen days would generally embrace four notice days; for instance, the notice being given on a Friday, the Member by whom it was given would have the option of selecting the Tuesdays and Fridays in the two following weeks. Then, supposing that there was a great appetite for legislation, and a strong desire among hon. Members to be distinguished as the introducers of new laws—and, indeed, it was in the anticipation of the appetite increasing that the new regulation was proposed—the inconvenience would still exist, for four days only were allowed in which the motion could be brought forward. Then, on Fridays the candidates for legislation would come to the House, and a great number of notices would be given on one day. It might be said that those, which were of the greatest importance should be taken first, when all could not be gone through; but to whom was the question of precedence to be referred? He would venture to say that each Gentleman would consider his own notices of the most importance, and no suggestion offered to him would convince him to the contrary. Then who was to determine the matter? It would be an extremely unenviable office to give to any person, and even the Speaker would feel it to be attended with much inconvenience. Suppose the time for giving notice to have arrived, and perhaps twenty Gentlemen would start up at once; the Speaker would have to exercise his office, and perhaps might select a Gentleman who might have the most frivolous motions to make, but who, nevertheless, with his pocket well filled with papers, might occupy the attention of the House for two or perhaps four days. Some corresponding regulation, therefore, must be established for taking the motions in turn, in the event of the rules proposed being adopted. Thus, also, with regard to adjourned debates. It was known by all Members how frequently debates lasted over more than one night, and the importance of the debate being pursued on the earliest opportunity was admitted by all; for if a long postponement took place, the arguments which had been used on the first night lost their force, and the energy of the debate was much weakened. The debate, then, would take precedence of any notices of motions, and the Members by whom they had been given would forfeit their right to proceed in the usual course, and on the next notice night he would find the House engaged by the motions of other Members. He might well say, then, that provisions had been made for breaking into the notice days, but that there was no regulation to remedy the evil. Whether or not, it would be expedient that Members should ballot for their priority in the list on their giving notices of motion he was not then prepared to say. He was sure, however, that all Members would be anxious to take advantage of any opportunity that might occur to bring forward their several motions in the course of the fortnight for which the notice would stand. If the noble Lord would accompany his proposed resolutions with others embracing the objects he had adverted to, he would have a better chance of attaining his object.

Sir *E. Sugden* suggested, that in case an hon. Member was prevented bringing forward a notice of motion in consequence of an adjourned debate, that the Member should have precedence on the next motion day.

Lord *Stanley* did not think that it was the duty of her Majesty's Ministers to see that Members attended on those days when there was no Government business before the House. Undoubtedly it was their duty to take care that there was a sufficient attendance to enable them to proceed with the Government measures, but surely they could not enforce an attendance on motion days. It appeared from the report on the table, that the House was generally counted out on notice of motion days, and this was the necessary result of hon. Gentlemen bringing forward motions on matters about which no human being cared. He found that on one occasion the House was counted out when there were not less than twenty notices on the paper, and on another occasion not less than thirty-two. Now, supposing only eight Members attended in addition to the thirty-two who had given these notices, there would have been a House; but the fact was, that most of the notices were a mass of trash and rubbish to which no one thought it worth while to attend, except the Member who gave the notice. The Government could not have succeeded if they had attempted —and they certainly would not have done their duty had they done so—to enforce the attendance of Members to listen to such matters. He thought that the plan involved in the resolutions of his noble Friend was an imperfect remedy for a palpable and increasing evil, but still it was doing something, and he was anxious that the plan should be tried. At any rate the adoption of the resolutions would facilitate to a certain extent, the transaction of the business of the country, and thus, at least, some good would be done. He was glad to see that there appeared to be a general disposition in the House to adopt the resolutions, but they would not afford a remedy by an acknowledged act unless the feeling of the House went with them.

Mr. *Hindley* wished to know, whether a motion could be brought forward as an amendment to an order of the day?

Lord *John Russell* observed, that if this course were pursued it might prevent the progress of the most important Bills. For instance, it was essential that the Mutiny Act should be passed by a certain day and by bringing forward motions or amendments to the order of the day its progress might be impeded, or perhaps altogether stopped.

The first and second resolutions were agreed to. On the third resolution being put,

Mr. *Wakley* suggested, that the consideration of it should be postponed. He thought that it was a great advantage that Members had an opportunity of bringing forward motions as amendments to the orders of the day. This was the old constitutional system, by which it was declared necessary that a remedy should be applied to abuses before supply was granted. He hoped that the resolutions would not be hurried through the House, but that the further consideration of them should be postponed until Tuesday or Thursday.

Mr. *Hindley* thought, that the hasty adoption of these resolutions would interfere with the rights of independent Members; he should, therefore, if no other hon. Gentleman did so, propose that the debate be adjourned until Thursday next.

Sir *Robert Peel* said, that he would recommend an alteration in the resolution, to the effect, that no Member should give notice of a motion extending beyond four of the days usually appropriated to motions, or, at least, on which they had priority; namely, two Tuesdays and two Thursdays.

Mr. *Hume* was sorry that the noble Lord had not had his resolutions printed and circulated with the votes. By this means ample time would have been given for the consideration of the subject. He begged to move that the debate be adjourned to Tuesday next.

The House divided on the amendments. Ayes 66; Noes 354: Majority 288.

List of the AYES.

Alsager, Captain
Barrington, Visconut
Blake, W. J.
Blakemore, R.
Brotherton, J.
Brownrigg, S.
Buller, Sir J. Y.
Chichester, J. P. B.
Christopher, R. A.
Clay, W.
Darby, G.
D'Eyncourt, r.h. C.T.
Dick, Q.
D'Israeli, B.

Duke, Sir J.
Duncombe, hon. W.
Egerton, W. T.
Eliot, Lord
Forbes, W.
Gaskell, J. Milnes
Gibson, T.
Gillon, W. D.
Gladstone, W. F.
Gore, O. J. R.
Gore, O. W.
Halse, J.
Harcourt, G. S.
Harvey, D. W.
Hawes, B.
Hayes, Sir E.
Hindley, C.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Ingestrie, Viscount
Jackson, Serjeant
Johnston, General
Jones, T.
Kemble, H.
Knatchbull, r. h. Sir E.
Knightley, Sir C.
Law, hon. C. E.
Leader, J. T.
Logan, H.
Lushington, C.
Mackenzie, T.
Mackinnon, W. A.
Maclean, D.
Molesworth, Sir W.
O'Brien, W. S.
Pakington, J. S.
Pechell, Captain
Plumptre, J. P.
Roche, W.
Round, C. G.
Salwey, Colonel
Sandon, Viscount
Scholefield, J.
Sibthorp, Colonel
Stewart, J.
Style, Sir C.
Tancred, H. W.
Verner, Colonel
Vigors, N. A.
Wallace, R.
Warburton, H.

TELLERS.

Hume, J.
Wakley, T.

List of the NOES.

Acheson, Viscount
Acland, T. D.
Adam, Sir C.
Adare, Viscount
Ainsworth, P.
Anson, hon. Colonel
Archbold, R.
Ashley, Lord
Ashley, hon. H.
Bailey, J.
Bainbridge, E. T.
Baker, E.
Ball, N.
Baring, F. T.
Baring, H. B.
Baring, W. B.
Barnard, E. G.
Barneby, J.
Barron, H. W.
Barry, G. S.
Bateman, J.
Bateson, Sir R.
Beamish, F. B.
Belfast, Earl of
Bell, M.
Bellew, R. M.
Bentinck, Lord G.
Berkeley, hon. F.
Bernal, R.
Bethell, R.
Bewes, T.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blake, M. J.
Blennerhasset, A.
Blewitt, R. J.
Blunt, Sir C.
Borthwick, P.
Bowes, J.
Brabazon, Sir W.
Bradshaw, J.
Bridgeman, H.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H. L.
Buller, E.
Bulwer, E. L.
Burdett, Sir F.
Burr, H.
Burroughes, H. N.
Busfield, W.
Calcraft, J. H.
Callaghan, D.
Campbell, W. F.
Canning, rt. hn. Sir S.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chandos, Marquess of
Chaplin, Colonel
Chapman, L.
Chute, W. L. W.
Clive, E. B.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Codrington, Admiral
Cole, Viscount
Collins, W.
Colquhoun, Sir J.
Compton, H. C.
Conolly, E.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Creswell, C.
Cripps, J.
Crompton, S.
Curry, W.
Damer, hon. D.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
De Horsey, S. H.
Divett, E.
Douglas, Sir C. E.
Dowdeswell, W.
Duckworth, S.
Dugdale, W. S.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, Captain D.
Easthope, J.
Eastnor, Viscount
Eaton, R. J.
Ebrington, Viscount
Egerton, Sir P.
Eliot, hon. J. C.
Ellice, Captain A.
Ellice, E.
Ellis, J.
Estcourt, T. G.
Estcourt, T. H.
Etwall, R.
Euston, Earl
Evans, Colonel de L.
Evans, G.
Evans, W.
Fazakerley, J. N.
Fielden, W.
Fellowes, E.
Fenton, J.
Ferguson, Sir R.
Ferguson, R.
Fergusson, rt. hn. R. C.
Finch, F.
Fitzroy, Lord C.
Fitzroy, hon. H.
Fitzsimon, N.
Forester, hon. G.
Fort, J.
Fox, G. L.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gibson, J.
Glynne, Sir S. R.
Goddard, A.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Granby, Marquis of
Grattan, J.
Grattan, H.
Grey, Sir G.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Guest, J. J.
Hale, R. B.
Halford, H.
Hall, B.
Hallyburton, Lord D.
Hardinge, r. h. Sir H.
Harland, W. C.
Hastie, A.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, Sir W.
Heneage, E.
Heron, Sir R.
Herries, rt. hon. J.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, H. T.
Horsman, E.
Houldsworth, T.
Houstoun, G.
Howard, F. J.
Howard, P. H.
Howard, hon. W.
Howick, Viscount
Hurst, R. H.
Hurt, F.
Hutton, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, W.
James, Sir W. C.
Jenkins, R.
Jermyn, Earl
Jervis, S.
Johnston, H.
Jones, J.
Jones, W.
Kinnaird, hon. A. F.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lefevre, C. S.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Lewis, W.
Liddell, hon. H. T.
Lister, E. C.
Litton, E.
Loch, J.
Lockhart, A. M.
Lygon, hon. General
Mackenzie, W. F.

Macleod, R.
Macnamara, Major
Mactaggart, J.
Mahon, Viscount
Mahony, P.
Maidstone, Viscount
Manners, Lord C.
Marshall, W.
Marton, G.
Master, T. W. C.
Maule, W. H.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, C. M. R.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
Neeld, J.
Nicholl, J.
Norreys, Lord
O'Brien, C.
O'Connell, D.
O'Connell, M. J.
O'Conor, Don
Ord, W.
Owen, H. O.
Packe, C. W.
Paget, Lord A.
Paget, F.
Palmer, G.
Parker, J.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parnell, rt. hon. Sir H.
Parrott, J.
Patten, J. W.
Pease, J.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Pendarves, E. W. W.
Perceval, hon. G. J.
Perceval, Colonel
Philips, M.
Philips, G. R.
Planta, rt. hon. J.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Poulter, J. S.
Powell, Colonel
Power, J.
Power, J.
Price, Sir R.
Pringle, A.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Ramsay, Lord
Redington, T. N.
Reid, Sir J. R.
Rich, H.
Richards, R.
Rickford, W.
Roche, D.
Round, J.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
St. Paul, H.
Sanderson, R.
Sanford, E. A.
Scarlett, hon. J. Y.
Scarlett, hon. R.
Seymour, Lord
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Slaney, R. A.
Smith, R. V.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Standish, C.
Stanley, E.
Stanley, E. J.
Stanley, Lord
Stanley, W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stuart, H.
Stuart, Lord J.
Stuart, V.
Stormont, Viscount
Strickland, Sir G.
Strutt, E.
Sturt, H. C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Talfourd, Sergeant
Thomson, rt. hn. C. P.
Thompson, Alderman
Thornley, T.
Tracy, H. H.
Trench, Sir F.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Vere, Sir C. B.
Villiers, C. P.
Villiers, Viscount
Vivian, J. H.
Vivian, J. E.
Vivian, hon. Sir. R.
Walker, R.
Wall, C. B.
Welby, G. E.
Westenra, hon. H. R.
Whalley, Sir S.
White, A.
White, L.
White, S.
Whitmore, T. C.
Wilberforce, W.
Wilbraham, G.
Wilbraham, hon. B.
Wilkins, W.
Williams, R.
Williams, W.
Williams, W. A.
Wilmot, Sir J. E.
Winnington, T. E.
Winnington, H. J.
Wood, Colonel
Wood, G. W.
Wood, T.
Worsley, Lord
Wynn, rt. hon. C. W.
Yates, J. A.
Young, J.

TELLERS.

Rolfe, Sir R.
Wood, C.

Postponement of Election Petitions.] Lord *John Russell* had already stated to the House his intention of that day proposing the Adjournment of Election Petitions till after the holidays. He made this proposal on grounds of public convenience, which of themselves were so obvious as to render it unnecessary for him to explain them at any length. The day on which the first election petition was fixed was the 12th of December, but that day approached very near to the Christmas recess, a period at which it would be very difficult indeed to get Members of the House to attend election ballots. There would not at that time be many questions of interest before the House, and hon. Gentlemen might very probably be not over anxious to get themselves placed on Election Committees, which would oblige them, by law, to remain here during the Christmas holidays. It appeared, therefore, that Parliament having assembled so short a time before the Christmas recess, it would not be expedient to take any election petitions till after the holidays. It was his intention when the House adjourned for that recess to move that it adjourn to the 1st February in the ensuing year; and he should have at once proposed that the first election petition should be adjourned till that day, which he believed to be a Thursday, had he not conceived, that in point of form it would not be proper to anticipate that the House would make an adjournment for so long a period without the sense of the House being taken on the subject. He, therefore, thought himself bound, in point of form, to fix the first election petition for an earlier day than the 1st of February, in order to meet the possible case that any unforeseen contingency should induce the House to make a shorter adjournment, say for only a fortnight. In either case, he considered that the election petitions should come on immediately after the re-assembling of the House. He did not, however, look upon the latter event as probable; and in case the House did adjourn till the 1st of February, he should propose the adjournment of election petitions to the same date. At present, however, he felt himself bound to move that the first election petition, which he believed was the "the Roxburgh," be taken into consideration on the 16th of January next.

Sir *Robert Peel* had no objection, in point of fairness, to the proposition of the noble Lord, but he thought he could suggest a course more in conformity with what had taken place on all former occasions. The noble Lord had proposed to fix a day for the consideration of the first election petition, when it was perfectly notorious that election petitions could not be taken on that day. He knew of no precedent for such a course being taken; he had never heard of an instance of the House naming two different days for the consideration of election petitions, when it was notorious that, on neither of those days could petitions be taken. The law required, that the Speaker should give notice to the parties respectively concerned in election petitions as to when the day for each petition was fixed, yet it was now proposed to adopt a course which, while it was understood only by the House, could only have the tendency of confusing the parties. According to the arrangement at present understood, it was the Speaker's duty to notify to the parties concerned in election petitions, that the day fixed for taking petitions was the 12th of December. Now it was proposed to make the 16th of January the day for taking petitions, although the House was given clearly to understand that on that day petitions would not be taken, and yet it would be the Speaker's duty to give notice to all parties that on that day they would be heard. This would be not only an entire departure from the course which had hitherto uniformly prevailed, but it would be making the whole affair little better than a mere mockery. Would it not answer all the purposes of substantial justice if the noble Lord were to postpone naming the definitive day on which the first petition would be taken until the duration of the recess had been determined on? The noble Lord might take any day before the 12th of December for making this announcement, and such a course would at once obviate the manifest inconvenience and absurdity of giving to parties a public notification that their petitions would be considered on a particular day, while it was necessary to give them a private notification that on the particular day mentioned their petitions would not be considered. He would beg to suggest, therefore, to the noble Lord, to postpone making any announcement on the subject till, say the 10th or 11th of December, by which time he could fully have made up his mind as to the course to be taken with reference to the duration of the holidays.

Lord *Stanley*, having put a question to the noble Lord in the course of the evening in connection with this subject, rose to say, that he had heard with some satisfaction, one portion of the announcement made by the noble Lord, namely, that it was his intention to proceed to the consideration of the election petitions immediately after the re-assembling of the House. Let the House recollect that they had a distinct promise on the part of the Secretary of State for the Home Department, that unless he could bring forward some strong grounds for deviating from the usual course, it was his intention to move an adjournment till an early day in February, and that the petitions should be proceeded with on the first Tuesday or Thursday after the meeting of Parliament. He did not object, if the noble Lord thought fit to adopt that course, to the naming of the precise day being deferred, now that he had received that intimation from the noble Lord which assured him that he would secure the great object he had in view last night. But when the noble Lord told them that he could not anticipate the House would sanction so long an adjournment as to the month of February, he surely overlooked the precedents which occurred in 1812. Parliament met on the 24th of November in that year, and on the 1st of December this motion was made and carried—"Resolved, that this House will not enter on the trial of any election petitions previous to the Christmas recess." This was so far precisely the course of the noble Lord; but did the House feel any difficulty at that time in fixing the day? No such thing; for the four petitions were fixed, two for the 9th of February, and two for the 11th of February. That, he begged it to be understood, was the earliest time after the Christmas recess that could be fixed, Parliament not meeting till February. Here, then, was a precedent for the noble Lord as against the delicacy he felt in asking the House to adjourn for so long a period, as that very period to which he told them they should adjourn. The noble Lord said, that he had no reason to suppose Parliament would not accede to his motion of adjournment; neither had he; and, that being the case, he did not see any difficulty in naming the day. But the noble Lord said, he did not mean to name a day. Then let him not fix a nominal day; let him rather postpone any arrangement, say till the 6th of December, and name a day then. He was satisfied that the petitions should be proceeded with in the usual manner immediately after the holidays.

Lord *John Russell* said, his object, in the first place, was to take care that the parties had the due and requisite notice; and in the second place, he wished to avoid doing that which he thought he was not justified in doing, viz., fixing the period of the adjournment of the House. But as, in his opinion, there was no objection whatever to the course which the right hon. Baronet proposed, he would be ready on some future day, say the 6th of December, to move the day on which the trial of the petitions should actually be proceeded with. With regard to what had fallen from the noble Lord, he did not think that there were any of his observations of to-night that were contrary to what he had stated last night in answer to the noble Lord. He could not say whether extraordinary circumstances would not induce him to deviate from the usual plan; that was what he wished to communicate to the House, and the noble Lord was mistaken if he supposed that what he had said to-night was in any way inconsistent with what he had stated yesterday.

Mr. *Williams Wynn* said, as the general disposition appeared to be that they should not proceed with the trial of the election petitions till after Christmas, he would not urge on the House the necessity for taking them earlier; but at the same time he must enter his protest against the delay.

Sir *R. Peel* said, the debate he understood to be postponed then till the 6th of December. The object of his rising at present was to give notice that if, on the 7th of December, any doubt arose as to a day being fixed in February for the hearing of the petitions, he should bring forward a distinct motion, naming a day in February for that purpose.

Subject postponed.

HOUSE OF LORDS,

Monday, November 27, 1837.

Minutes.] Petitions presented. By the Earl of Yarborough, from Lincoln, in favour of the Vote by Ballot.—By the Duke of Richmond, from Glasgow, for throwing open to the public all collections of works of Art, etc.

National Education.] The Bishop of *London* rose to present a petition on the subject of National Education, which appeared to him to be of very considerable importance. The petition, which came from the town of Cheltenham, was signed by 5,048 persons, who viewed with considerable alarm an attempt now making to form a system of education, which would be compulsory on the people, and which was to be of a totally secular character. The people at large would, it appeared, under that system, be compelled to partake of an education, of which the word of God would not form any part. It originated with a body which was denominated "The Society for Secular Education," and which had amongst its members a considerable number of ornamental names—of the names of some persons, he believed, who were hardly aware of the principles of the society to which they had lent their names. The great and leading principle was, to establish a system of education wholly and entirely secular, and the rules of which should not permit the introduction of religious culture. That society, though it was not, at present, very numerous, was yet in a state of great activity. He, therefore, felt it to be his duty to take that opportunity to caution the Christian public of this country against the principle on which it proceeded. One of the members of this society (a gentleman of much consideration as a member of the Roman Catholic church, who held a seat in the lower House of Parliament, and who had favoured the public with his ideas generally on education), in conjunction with another individual, a barrister, had recently been promulgating their views, on this particular system of education, in different parts of the country. They had convened a meeting in the important town of Cheltenham, over which a leading gentleman in the county had thought proper to preside. The result of that meeting was a petition to the Legislature on the subject, the amount of signatures, when he last heard of it, being just 124. Now, he would say, that a course of education for the lower orders, from which the word of God was to be wholly excluded, was, on the face of it, most erroneous, and would be most unprofitable. On this meeting being got up the clergy of the neighbourhood lost no time in taking the sense of their fellow-townsmen on the subject. A meeting was called which was most numerously and most respectably attended. The speeches delivered at it were eloquent and effective, and a petition against this new system was agreed to, which was speedily signed by upwards of 5,000 persons. A second petition was also agreed to, which was signed entirely by ladies. As a member of the Established Church, he deemed it to be his imperative duty to lose no time in protesting against the establishment of such a system of education as was alluded to in this petition. A feeling appeared to have gone forth through the country, that it was the intention of her Majesty's Government to introduce some measure of this kind. He should think that this was not possible, after the course pursued by Ministers some sessions ago. They then adopted a wise measure, by granting a sum of money for the furtherance of education, and leaving its application to those friends of education who conceived that religious instruction should form a principal part, or rather the basis of all education. This was wise, instead of attempting to interfere in a compulsory manner, and to enforce a system which he was well convinced the people of this country would never obey. The noble and learned Lord on his right (Lord Brougham) entertained, he knew, strong opinions on the subject of education, but he was not aware that the noble and learned Lord had ever advocated the total exclusion of religion from the system of education that ought to be adopted in this country. If such a measure were proposed, he, in common with the petitioners, called on their Lordships not to agree to the adoption of that mischievous sort of education, from which the word of God was excluded. As the petition was short, he would trespass on their Lordships by moving, that it be read at length. In laying it before the House, he would express his confident belief that the Christian people of this country were determined not to allow such an alteration in the system of education as would reject all religious instruction.

The petition was read.

Lord *De Saumarez* said, he gave to the petition which had just been read his most unfeigned support; for he thought that it was a mockery to call that a system of national education which was not founded on the word of God, and was not raised on the basis of Christianity. He hoped that any such system would meet with their Lordships' decided opposition.

Lord *Brougham* had not had the advantage of hearing all the observations of the right rev. Prelate on presenting this petition, as he had only entered the House shortly before the clerk commenced reading it. He should, therefore, abstain from making any observations on the merits of the petition. He would, however, state in answer to one part of the observations of the right rev. Prelate, that he did not believe, either on the part of her Majesty's Government, or on the part of any other association of men—be they in office or out of office—be they incorporated or unincorporated—or on the part of any individual who had education at heart, and was impressed with a sense of its paramount importance to this country, there could exist any intention of promoting any legislative measure, either for the purpose of making the education of the people compulsory on the people (God forbid! unless it intended to make education hateful to the people), or any system of national education which should exclude religious instruction altogether. He had not heard of any such design in any quarter. This, however, was only his belief—in his opinion, a correct one—with respect to one party. But he could speak of his own knowledge of another party to whom the right rev. Prelate had courteously alluded — he meant himself, and certainly he would steer wide and clear indeed from coming within the scope of the right rev. Prelate's observations. The Bill which he had formerly laid before their Lordships on the subject of education he should again submit to them soon after the recess. Having made these observations, he should further state, lest he might commit himself on another point, that if he were clearly of opinion that no compulsion should be used towards the persons to whom education was to be proposed, he was equally of opinion that there ought to be the most careful rejection and exclusion of any principle in a measure for education that was calculated to give either to the Established Church, or to any one sect, any preference, preponderance, dominion, authority, or power whatever, exclusively paramount over the education of the people of this kingdom. He now had to present to their Lordships a petition, intimately connected with this subject, from the great and important town of Sheffield. It was signed by between 11,000 and 12,000 persons, and the "Master Cutler" presided at the meeting at which it was agreed to. The prayer of the petition, called for the adoption of such a system of education as would elevate the moral character of the people. He presented this petition, in the absence of a noble Duke who was intimately connected with Sheffield, but who had been obliged to leave town on private and urgent business, and before the petition could be placed in such a shape as would allow it to be presented.

The Bishop of *London* said, that as the noble and learned Lord seemed to be of opinion that there did not exist any body of men in this country who would make a system of national education compulsory on the people, he would read an extract from the proceedings of the Central Society of Education, from which it appeared that that body was favourable to such a system. The right rev. Prelate read an extract, in which, as we understood, the German system of compulsory education was commended.

Lord *Brougham* said, the words which the right rev. Prelate had read must have found their way by some accident into any document emanating from the Central Society of Education. He did not believe that the conduct of the German princes would be recommended for imitation in this country, with reference to education, by the Central Society. He was not a member of it; but for many of its members he felt great esteem. His friend, the Member for Waterford (Mr. Wise), was the vice-president of the society, and he did not believe that it was the opinion of that body that it would be possible if desirable, or desirable if possible, to establish a system of compulsory education in this country.

The Earl of *Winchilsea* said, that that House was much obliged to the right rev. Prelate for bringing this subject under the consideration of their Lordships. Not only was that House obliged to the right rev. Prelate, but many individuals who had lent their names to this society ought to feel equally indebted to him for directing their attention to the object which those individuals evidently had in view. If they attended to the proceedings which occurred at these meetings, no doubt could remain on the mind of any reasonable man, that the object was, to establish a system of secular education, from which all religious instruction should be carefully excluded. He was perfectly convinced that such a system never could be, and never would be, maintained in this Christian country. And he was sure, that if one thing more than another demanded active exertion on the part of that House, it was to uphold that system of education which had been so long and so wisely adopted in this kingdom, and which was based on the great principle that religion should be the foundation of all education. He was one of those who thought, that without religion, all education would prove perfectly useless, if not worse than useless. He should only state further, that when this great question came before the House, in the shape of a proposition for framing a system of education for the lower orders of this country, he should boldly contend that the first duty which they owed to the people as Christians was, to take care that no system of education should be established in which the great truths of Christianity were not prominently put forward. The individuals who had joined this society clearly owed it to themselves to ascertain whether that which had been stated by the right rev. Prelate was or was not founded in fact; and if they discovered that the right rev. Prelate's statement was correct, then they ought to withdraw their countenance from this society.

Petition laid on the table.

STATE OF IRELAND.] The Earl of Roden moved that the third paragraph of her Majesty's Speech from the Throne be read.

The Clerk read the paragraph, as follows:—

"My Lords and Gentlemen,—The external peace and domestic tranquillity which at present happily prevail are very favourable for the consideration of such measures of reformation and amendment as may be necessary or expedient, and your attention will naturally be directed to that course of legislation which was interrupted by the necessary dissolution of the last Parliament."

The Earl of *Roden* then said, he had already stated to their Lordships the reasons which induced him to abstain from making any observations on that part of her Majesty's Speech which had just been read on the first day of the present session. He had thus acted, because he felt as strongly as any of their Lordships, that, on an occasion so interesting as that occasion was, when her Majesty, for the first time, came down to make her Speech to her first Parliament, it would have ill become any noble Lord to introduce matter that was likely to provoke debate, or to give rise to difference of opinion. Therefore, he had felt it to be his duty to take the opportunity which was now afforded to him to request their Lordships' attention for a very short time, as short as he could, while he adverted to the statement made in her Majesty's Speech—while he endeavoured to show, by a reference to facts and documents, not, in his opinion, to be overturned, that her Majesty's Ministers had no ground for stating to their Lordships that tranquillity was so generally established in the empire, as to afford a most favourable opportunity for the consideration of measures intimately connected with Ireland, and of the greatest importance to that country. It appeared to him that that part of the speech was very dexterously worded, and perhaps with the view of making it appear, as it had been stated in a certain periodical paper, which he knew was very popular amongst some of their Lordships, that the administration of the noble Earl (Mulgrave) had been the means of removing many of those evils which had existed for a long period, and of producing tranquillity, or at all events, a degree of comparative tranquillity, in that part of the empire, which had not existed before. Now, he believed, that so far from this being the fact, so far from the state of Ireland being more tranquil now than it had been for a long time before (and he would hardly except those periods when the country was in a state of open insurrection), that in some districts at no period had property, had life, had the exercise of the Protestant religion in Ireland, been in greater danger than at the very moment when he had the honour of addressing their Lordships. He felt, that in making this charge against the noble Earl who held the first situation under the Crown, in making so heavy and so grave an accusation, that it was right for him to say, before he referred to the acts of the noble Earl, that to those acts he attributed the fatal and melancholy state of things which now existed. He knew that such a charge was grave and serious, and it certainly would not become him to make it, if he did not feel that he stood on ground from which he was not to be shaken, and that he was amply furnished with facts to prove all that he had advanced. He was quite confident that in adopting this proceeding he was not swayed by any private motive, nor had he any party purpose to serve, for he had no political ambition whatever to indulge or satisfy; but he felt that he stood there speaking the sentiments of a very large and respectable class of persons in Ireland, with whom he had the honour of much intercourse for many years. He had received the confidence, not of this class, nor of the other class, but he would say, and he made the statement with pride and satisfaction, that he enjoyed the confidence of persons of various denominations residing in that country. In bringing this subject forward he was anxious not to make any overstatement, or to paint the subject in such colours as would make the case appear worse than it really was. He wished merely to claim their Lordships' attention while he stated plain facts, in order to prove that Ministers had no right whatever to describe Ireland as being in that state of tranquillity which was mentioned in the speech from the Throne. He might be told by the noble Earl in answer, that not only his opinion, but the authority of the judges and of the assistant barristers, delivered in their respective courts was against the opinion he wished their Lordships o adopt. He knew that this might be said, because he saw it written in the organs, or the pretended organs, of her Majesty's Ministers, that the judges at the assizes expressed their congratulations to the grand juries on account of the calendars being so small. But he begged leave to say, that the fact of the calendars being so small when compared with the proclamations of the noble Earl, and with the statements contained in the papers which it would be his duty to move for, would really establish the truth of his position, and show that the law in Ireland was a dead letter—that crimes were committed, but the culprits were at large. The papers connected with crime in Ireland for which he meant to move would extend from the 1st of January, 1836, to the 1st of December, 1837. By the proclamations of the Lord-Lieutenant it appeared that no less than thirteen murders had been committed in different parts of Ireland during the last six weeks. Houses were attacked for arms—attempts were made at assassination—people were cruelly beaten, and excesses of almost every description had been committed to a great extent during that period. In twenty-five counties crimes of this description were in the course of hourly perpetration—crimes bearing on their character what the Marquess Wellesley had described in his letter to Earl Grey—namely, "the sure and certain result of political agitation!" These crimes had been the result of a system of conspiracy which had been in existence for some time under various names. Sometimes the conspirators were called Ribbonmen, sometimes Whitefeet or Whiteboys. But whatsoever the denomination might be, the object was one and the same. The visits of these marauders by night were often directed against Roman Catholic inhabitants who wished for peace, and who would not join in their conspiracy. They wreaked their vengeance on those people, sometimes by beating and sometimes by murder. But the great and ultimate object was the destruction of Protestant property, of Protestant life, and the extermination of the Protestant religion in Ireland. These things he would prove by the papers for which he meant to move, and when they were laid before their Lordships, if submitted to a Committee, he thought that there would be no difference of opinion with respect to the state of Ireland. He intended to move for these papers as preparatory to another step which he meant to take at a future period. It was, in his opinion, most important, when those papers were produced, that this conspiracy, that the whole of these transactions, that the entire state of Ireland should undergo the most serious consideration in a Committee of their Lordships' House. He believed that her Majesty's Government had received information of this conspiracy; but if the noble Earl, or if any noble Lord, doubted its existence, he would refer to the opinion of one to whom the noble Earl must bow—to the opinion of one who was considered a very great authority by the noble Earl, and an opinion held, he believed, in great respect by her Majesty's Government. Well, then, at a speech made by the great agitator, Mr. O'Connell, on the 6th of November, he said, "What I now wish to address you upon is the violent combination which now exists in Ireland. It has existed five or six times before, but I was enabled to put a stop to it; I put a stop to forty or forty-five of these associations in Meath. The Members call themselves exclusively Catholics, but they spare not Catholics." So much for the actual existence of this conspiracy, which noble Lords opposite would fain deny. But he found that the opinion of this Gentleman was the same as that expressed by the noble Earl the other night—namely, that these proceedings did not grow out of political feelings. Now, he would contend that the information which Government had received on this subject proved the reverse; and he would ask whether what he was about to state was not the substance of the oath used in the society of Ribbonmen? One part of the oath enjoined secrecy on every member of the society, and pledged them "to be ready to assist when required to turn out to aid Mr. O'Connell in obtaining justice for Ireland. These were not the exact words of the oath perhaps, but he believed that they contained the substance of it. If, however, their Lordships granted a Committee, they would soon be able to ascertain the truth or error of what he had stated. When he called the attention of the House to a very large exportation of arms from Liverpool, which were sent to Ireland recently, and coupled it with the facts to which he had referred, then he conceived no doubt could be entertained of the ultimate end and object of this conspiracy, which had gone to a most alarming extent. It had extended itself during the last year through almost the whole of Leinster, Munster, and Connaught. There was, in fact, hardly a county in those provinces in which that atrocious system was not known, everywhere carrying with it misery, and crime, and wretchedness. He should next call their Lordships' recollection to the month of January, 1836, when the Catholic Association was in being. At the time that the Protestant gentry of Ireland were assembled in Dublin, for the purpose of petitioning their Lordships' House, which petition he in common with the noble Marquess near him (The Marquess of Downshire) had the honour to present—at that period it was rumoured that there was likely to be a change in his Majesty's Councils, and he remembered that the same gentleman to whom he had already referred declared publicly, and he used the gentleman's own words "that if such a change took place, there would be a brutal and bloody rebellion in Ireland." From that time this Ribbon conspiracy increased its operations, determined to accomplish that prophecy whenever a fitting opportunity should present itself. Such had been the extent to which, and the rapidity with which, this infernal machine had been rolled along through the different counties, that they now found the greatest exertions were making by those who, by their agitation and their inflammatory speeches, had set the machine in motion, to stop it, and to prevent its being pressed forward before the proper time for accomplishing the conspiracy arrived. He was very unwilling to detain their Lordships at any great length, but the subject was one of vast and mighty importance to Ireland. He felt, and he felt it with sorrow, that the people of this country did not understand the state of Ireland. They were blind to the misery, wretchedness, and suffering of the loyal people of that country, whether Protestants or Catholics. With a view to their information on the subject, he had therefore selected a few cases from the proclamations of the noble earl and from other sources. He did so, in order to effect what he was most desirous to effect —some impression on their Lordships' minds with reference to the true state of Ireland under the Government of the noble Earl. He should first advert to the county of Sligo, a county which for a long period, and until about a year ago, was as desirable a part of the world to reside in as any portion of her Majesty's dominions. But since the system of intimidation had reached that county, it had turned, he might say, a paradise into a desert. It was no longer a place in which any quiet person could wish to live. It was now a scene of distress, misery, and turbulence. The case to which he would first refer was that of "two unoffending Protestants of the name of M'Kenzie and Allen. Those two men were sent to a village in the county of Sligo in the end of August last. They were met by a mob not far from the village, who dragged them off the car on which they were travelling, beat them severely, bound them with cords, and led them to an outhouse in the village, where they had bags or sacks placed over their eyes. They were conveyed thus blindfold to the mountains, and were treated with the greatest barbarity there; they were beaten with bludgeons, left bound and blindfolded for a considerable period, and afterwards taken to a hut and left without food. While they were in this state, a poor man acquainted with M'Kenzie came to them, loosed their cords, and took them to his house. After six days and nights' confinement, and after this inhuman treatment, these two respectable Protestants were at midnight conveyed on horseback to the house of M'Kenzie and there the next morning Allen died. An inquest was held on the body of this unfortunate man, and a verdict was returned that he died of wounds inflicted on his body by persons unknown; and a reward of fifty pounds was offered by the Government for the apprehension of the perpetrators of this cruelty." The next case occurred also in the county of Sligo. "A poor man, a Roman Catholic, of the name of Devanny, a blacksmith, was ordered not to shoe the horse of any Protestants, who were called Hanoverians—a name which was now the term of reproach for all who were Protestants. This man persisted however in doing so, in consequence of which he was attacked by a large party, who were armed; they rushed in at the door of the cot occupied by Devanny and his wife, and commenced beating him most cruelly with sticks. The wife, who thought their object was to murder her husband, threw herself over his body to protect him; but the password 'Spare him not,' had gone forth from the pacificators, and the husband and wife were most brutally bruised and cut. The former lingered till about a fortnight since, when death put an end to his sufferings; the latter is in a precarious state, and it is thought cannot long survive. The daughter, a girl of seventeen, concealed herself in the house, and when she thought the party had gone, looked out at a window after them, when one of the party fired at her and lodged several shots in her face." This affair was, he understood, officially reported to Government, but no reward was offered, and no notice was taken of it. Such was the spirit that actuated those who formed the Ribbon conspiracy. They attacked all who would not join them. Protestants or Roman Catholics. The next case to which he should allude also happened in the county of Sligo on the 10th of November last. The circumstances were well known to a noble Lord a friend of his who was then present, and if he stated anything that was incorrect he hoped that his noble Friend would set him right. The cases were these:—"A respectable Protestant, named Fairbanks, left his home on the morning of the 10th of November, to take his barley to the market of Sligo; he called at the house of a Roman Catholic neighbour to take some butter for him; within twenty minutes he was found a corpse on the road-side, near his cart, with two coils of rope round his middle, and his brains beaten out with stones." This was another proof, another instance, in the chain of facts, of the manner in which the tranquillity of Ireland was preserved, of the respect which was paid to the law, and of the treatment to which her Majesty's loyal and peaceable subjects were exposed. He could multiply instances of the same kind with reference to this county, but he did not wish unnecessarily to detain their Lordships. He would, however, say a word or two as to the means which had been adopted by the noble Earl to prevent these outrages, and to put a stop to such scenes of barbarity. One would suppose, that when a county like Sligo had been in a very short period changed from a state of peace and tranquillity to a situation in which crimes like those which he had described might be perpetrated with impunity, her Majesty's Government in Ireland would have sent persons into that county uninfluenced by party or political feelings, or by any strong leaning one way or the other; that they would have selected for that purpose fair, honest, and upright individuals, who would exert themselves, and take care that the peace of the county was preserved. But the noble Earl did no such thing. He sent into that county an individual named Blake, a stipendiary magistrate—an individual who had, in the month of January last, been engaged in a tour with the great Agitator himself through the county of Sligo, and who, on the 25th of January, was present at one of those agitating dinners. Yet this was the person who, in the month of February following, was selected to officiate as stipendiary magistrate in that very county. He was extremely unwilling to allude to the private character of that individual, but circumstances obliged him to do so, and he must therefore state that this person had been tried by a court martial, and dismissed from his Majesty's service for highly improper conduct. He did not give so much weight to that part of the case as to the evil of appointing a man to that county as stipendiary magistrate who was noted for his love of agitation, and who had taken a decided part in favour of that faction to whom all the evils which now afflicted Ireland might be traced. The next case to which he should refer was that of the city of Dublin itself, where the noble Earl lived in perfect security in his castle, and surrounded by his guards. The poor Protestant farmers to whom he had alluded, and he to whom he was about to allude, had had no guards to protect them—nay, even the protection of the law he could not procure. The latter, named Andrew Ganley, a respectable man, a Protestant, and by trade an egg-broker, on Monday, the 1st of last October, was murdered in the public streets of Dublin, in a densely-populated district, in the very heart of the city. Murders, he was aware, might take place any where; but it was rather to the nature than to the place of this murder that he wished to call attention. A number of persons were known to have been sufficiently near him at the time to have heard not only his cries but the very blows he received, yet not one of them ran forward to his assistance; and neither watch nor constable was to be found to prevent the perpetration of this barefaced and cruel outrage. The facts connected with this circumstance were peculiarly striking as regarded the ramifications of the ribbon system. This unfortunate man had had a brother in the town of Longford, who had been charged with a riot, and with having shot an individual. He was brought to trial, and honourably acquitted, while the woman upon the strength of whose evidence he had been tried, and who, it appeared, was a woman of bad character, had been prosecuted for perjury; whether she had been convicted or not he could not then say, but bills had certainly been found against her by the grand jury. Thus they failed in their statement against a man in Longford, whose brother they murdered in Dublin, for no other crime than that apparently all-sufficient one of being a stanch and loyal Protestant, and was not afraid to avow it. In the counties of Kilkenny and Mayo proclamations had also been issued in cases of which he would instance a few. One offered a reward of 50*l.* for the discovery of the murderers of a man in Kilkenny; and in the same *Gazette* another reward of 20*l.* was offered in the case of an attack made upon a respectable inhabitant of Ballina, Mr. Strogan, who had been struck on the head with a stone, and beaten by men who could not be identified, part of the ribbon system being to bring men from a different county, that they might not be known. The next circumstance to which he would call attention would be more likely to show the state of society as regarded gentlemen and farmers living on their estates and farms in certain parts of Ireland. It took place during the election for the county of Tipperary—a time when it was particularly incumbent on the Government to preserve peace and order, that her Majesty's loyal subjects might have the opportunity of fairly exercising their political privileges. — The circumstance was this:—In the barony of Lower Ormonde, a considerable distance from the town of Clonmel, the gentry and farmers in coming to the election were obliged to proceed there like a kind of caravan, all of them being armed and prepared for any attack they might encounter. As they advanced—he could not say exactly in what numbers— they found the full benefit of the precautionary steps they had taken so strikingly, that if they had neglected them, in all probability they would never have reached the town of Clonmel. He held in his hand a letter from one of those persons, a part of which he would read for their Lordships, as the best mode of stating the facts of the case. It appeared that at every village or cross-road they were assailed with shouts and imprecations. As they approached Cashel they were told to "wait till they went there, and they would receive their deserts." Two miles from the town a pit had been dug in the road, and covered with bushes and dust so as to deceive. Into this pit the first car that came up was precipitated. The letter proceeded to say:—

"But as we got near the town the fences of the roads of both entrances were completely levelled and brought into the centre of the road for a considerable distance. The heights were invested with thousands of people with stones. We had an escort of the Queen's Bays and ten police and some infantry. We assisted them to get the road passable, but as soon as the first cars moved on, the advanced guard moved on quickly, and in consequence of the state of the road all the party were not able to keep up, and we were separated. However, being all armed, and holding ourselves in a state of preparation for some time, they were deterred from attacking us, but when they found we were out of sight of the guard, they placed a large tree across the road, and commenced a simultaneous attack with stones, by which many of us were severely cut. Mr. Falkener, an old gentleman of seventy-eight, had his temple artery cut open; Mr. Nisbett had his eye so injured that it is not yet well; and I had my leg so bruised that I have been laid up a considerable time. There were many others wounded, and I am certain it would have been worse had not some of our party fired, which had the effect of checking the assailants till the party got together. There were fifteen dragoons, ten policemen, thirteen infantry, a stipendiary and local magistrate, and yet there was no attempt made to arrest one man or put back the mob in any way. We were left at six o'clock in the evening after this occurred, with tired horses, a little outside Cashel, by the dragoons and police, to get into Clonmel, thirteen miles further, as well as we could, though it was well known a large party were assembled on one of the roads to intercept us. We reached Clonmel by eleven o'clock at night, and may thank the darkness for our safety. On our arrival at Clonmel, at the door of the Globe Inn, a man named Hardy had his skull fractured by a blow from the mob. I forgot to mention that as we passed the National School of Dovalla, we were pelted with stones by the boys and girls from the school house, which is in the chapel yard. Not the slightest attempt was made, as far as we could see, by master or mistress to prevent them. It is quite clear that while things remain in this state freedom of election is a mere farce."

He apprehended, that not only in the county of Tipperary, but in Sligo and elsewhere such was the state of the country, that the gentry were unable to quit their houses without being armed for their personal protection. He now came to the last case with which he would trouble their Lordships—a murder which had taken place in the county of Tipperary on the 12th of this month—one too, of so aggravated a nature that he could not avoid calling their Lordships' particular attention to it. The man's name was Denis Murphy, a comfortable farmer, who lived near the village of Bansha. Between seven and eight o'clock in the evening an armed band of men, five in number, went to his house and inquired if he were at home. They were answered by his wife in the negative, but not believing her, they of course searched the house. Finding that she had told the truth, they retired to the back of the house to attend the coming of their victim. The poor wife, fearing that her husband was in danger—for she apprehended the real object of the ruffians —endeavoured to make her escape by a window at the back of the house, in order to go to meet her husband, and forewarn him of the circumstance; but while in the attempt one of the men presented a blunderbuss at her, pushed her back, and as he (the Earl of Roden) had been informed, stood guard over her. This occurred two hours before their victim returned, which he did without the slightest fear or apprehension of the fate that awaited him. He would not attempt to describe the feelings, the sufferings, of his poor wife during the lapse of those two hours, at the expiration of which she foresaw that she would be widowed, and that her ten children would be made fatherless. The time and their victim arrived—they murdered him in the presence of his wife and children, and not even content with having taken his life, they dragged his body to the door of his own house and there mutilated it, before the eyes of his wretched family. These were two tales of woe, arising from circumstances not of days long gone by, which lost their effect in the narration, but of every day occurrence, which took place under the very eye of the Irish Government, and of which that very moment might be furnishing additional examples. Could he then be silent? Should he not have been guilty of the grossest dereliction of duty to their Lordships, to his country, and to himself, were he to have allowed her Majesty's Ministers to put into the mouth of her Majesty in that House, words declaring that the domestic tranquillity which at present prevailed in Ireland presented a favourable opportunity of entering amongst other things into the consideration of the state of the municipal corporations of its cities and towns—of entering upon the consideration of measures which were to give more power, more political power, to those very individuals who were the instigators of the crimes he had detailed—the very cause from which they sprung—would he not, he asked, have been guilty of a great dereliction of duty had he neglected to bring this subject under consideration on the present occasion? He would appeal to the noble Earl in the name of that spirit of humanity which inhabited the heart of most men, and which he doubted not dwelt in the heart of the noble Earl, whether he was not called upon to use every means in his power to prevent as much as possible the recurrence of these melancholy scenes, and not to appoint to office men who were themselves engaged in, who were themselves parties to, that political agitation to which these scenes owed their origin? If he failed in moving the sympathy of the noble Earl, he would appeal to the noble Lord opposite who was at the head of her Majesty's Government—a man possessed of greater power than perhaps any Minister that ever sat in that or the other House of Parliament since the accession of the House of Hanover—whether, considering the situation of the noble Viscount in connexion with the present circumstances of the Throne, or the just popularity which belonged to him through the medium of all those by whom he was surrounded—he would appeal to him, he would implore of him to exercise that power, not in giving discouragement to Protestantism, not in casting heavy blows upon the Protestant faith, and upon Protestant principles in Ireland, but in preserving the loyal Protestant population in that country from such a frightful state of things as he had described. He would also beg of him to bear in mind, that it was Protestantism in this country which formed its brightest feature, and which had achieved those blessings which they had now so long enjoyed, and that it was that nucleus of Protestantism in Ireland which had preserved to Roman Catholics as well as themselves the liberties they possessed. He could not avoid making this appeal to the noble Viscount. If he failed in it, he had one consolation left, which was, that there was a God in heaven who felt and sympathised for the sufferings of His people—that there was a God of justice whose peculiar care was the fatherless and the widow, and who, he believed, would yet visit with vengeance for those scenes of blood which were desolating the land. He therefore entreated their Lordships to take into their consideration the present state of Ireland. He would conclude the painful and melancholy, but nevertheless imperative, duty he had felt called upon to perform, by moving for returns of all the rewards that had been offered by the Lord-Lieutenant of Ireland for the perpetration of murders and other offences, from the 1st of January, 1836, to the 1st of December, 1837; the number of rewards claimed, the reports of the police of all offences, the offences that had been tried at the assizes, the number of convictions (distinguishing the nature of the crimes), and the punishments awarded.

The Earl of *Mulgrave:* Before I rose to address your Lordships I paused, because I was anxious to see whether any other noble Lord was desirous to make any addition to the statement of the noble Earl, or to draw my attention to any other points which might require notice on my part, so as to save the necessity of a reply, for I am afraid that I must trouble your Lordships for some time. My Lords, I begin, then, by stating my obligation to the noble Earl for bringing this question fairly forward, because I am sure that your Lordships will feel that any man who has been subject for many months to the almost daily vituperation of the public press must feel obliged by any opportunity, provided in this case by the manliness of the noble Lord in coming forward, for enabling the country to judge between the vague accusations, the loose terms of the anonymous charges which have been brought against me, and the more deliberate but more guarded accusations of the noble Earl. The noble Earl has entered upon a detail of all the circumstances connected with Ireland during the last few months, and I hope that he will allow me to share with him the grief which he has expressed at the occurrence of any outrages there. But, my Lords, he says that the circumstances which have happened there are attributable to the pernicious course of my government; and I am glad of an opportunity to deny it, because I fear that a large proportion of the people of England only read the statements on one side, and I am anxious that they should compare the shape of the present accusation with the numerous anonymous libels with which I have been assailed, that they may ascertain the truth. The noble Lord accuses us of the maintenance of a conspiracy in Ireland, and if he means to attribute to the Government any participation in, or connivance at, the existence of any improper societies there, I repudiate with scorn his accusation; and I say that the noble Earl ought not to have made it without a full knowledge of the facts on which the accusation is founded. Throughout the whole of the noble Lord's speech I have been able to discover but one direct charge. He says, that I have appointed to office several parties whom he is pleased to say have been selected for their political connection with these societies. I will with confidence refer him to a list of persons appointed by me, Protestants as well as Catholics, and I will tell him that political agitation did not recommend a single person to any one appointment. The noble Lord states on his own authority that an extensive conspiracy exists in that country. My Lords, there has always been in Ireland a combination connected with the competition as to the tenure of land; but that any combination which may exist at present has the least connection with a political object I utterly deny. The noble Lord went on to state the form of the oath which binds together this society. My Lords, I know not of any such oath, nor of any circumstances connected therewith, even those which may have happened whilst I have been in London would, of course, have been reported to me; but, my Lords, if the slightest clue can be obtained, I will sift it to the bottom. I never would tolerate such a society, and there never was a Government more determined than mine to suppress them. The noble Earl had referred to Dublin; my Lords, in Dublin, at the inauguration of the Lord Mayor, I stated to his lordship and the recorder, before I was aware of any appeal to this House, my knowledge that there did exist, not a political combination, but a combination of workmen of different trades. So far I thought it right to state my knowledge; for I believe that the system is common to most trading communities, and came over to Ireland from Manchester. As to a large importation of arms from Liverpool to the seat of Government, I do not believe that any such thing has occurred. I know not whence the noble Earl has derived his information, but I believe him to have been entirely misinformed. The noble Earl commenced his address by desiring that so much of her Majesty's speech as related to the tranquillity of the country should be read, and on which were founded certain recommendations. My Lords, the fair meaning of that passage is, that the general domestic tranquillity—founded on the absence of all insurrectionary movement, and, allow me to add, my Lords, of political agitation, for never was Ireland so free from political agitation as at present—renders the public mind exceedingly favourable for the consideration of measures of a more permanent nature than if, as in other times, it were necessary to act upon the odious necessity of passing a coercion bill. But, my Lords, any absence of political agitation, for which the Government has received or taken credit, is not so complete as to prevent, at intervals, some expressions of opinion. We do not pretend, my Lords, to any magic charm, we make use of no animal magnetism, to draw the hearts of a willing and peaceful people to their Sovereign and her Government. We depend, my Lords, entirely upon the natural results of cause and effect; we endeavour to induce a reciprocal feeling of confidence between the governors and governed; and our influence is founded on the reliance of the people, on the administration of justice, and on the feeling which pervades all the nation, that the English will unite in procuring for Ireland that justice which she has not formerly experienced. But, my Lords, whilst there is this desire on the part of the Government to give to every moral feeling a proper direction, we cannot expect that this feeling on the part of the Irish people will be complete whilst there exists in full force one ingredient in the social system which has reduced them to the lowest level, I may almost say, of destitution; and allow me to add, that there is one measure recommended in that portion of her Majesty's speech just read at the table which your Lordships must take up in connection with the state of Ireland, to the consideration of which you must come prepared with a cool head, but, at the same time, with a bold resolution, for, unless the full security of industry be united to security of property, we can never expect that Ireland will be in a perfectly tranquil state. The noble Lord has asked for certain returns. There cannot be the least objection, on the part of the Government, to produce all the returns which the noble Lord has moved for; nay, if it be possible to frame them in a more complete shape than what is suggested by the noble Lord, with a view to put the whole facts more completely before your Lordships, the Government will be most anxious to do so. If the noble Lord had overlooked any returns that might be obtained from the constabulary or other authorities, I should have been more gratified in supplying the omission than in refusing the noble Lord any of the returns for which he has asked. But I will explain, why I think there will be a difficulty in complying with the request of the noble Lord, with respect to the second return moved for by him. The constabulary officers are perfectly aware of the outrages that are committed, because they report them; they are, in many cases, also perfectly aware of the offenders who are arrested. But the noble Lord asks for a return of the number of those offenders who are afterwards brought to justice. Of this, the constabulary officers can give no official information; that must come from the Crown-office; and, I think, we shall be able to give the noble Lord all the information he desires on that point in the third return for which he has moved. My Lords, all details of crimes are revolting, our nature is offended at the outrages committed, and our sympathies are excited for those who are ill used. My Lords, the recital of the noble Lord has undoubtedly excited your feelings, and I can assure your Lordships, that although the cases stated by the noble Lord are not so new to me as they may be to him, yet even the hearing of their recital again awakens in me as strong feelings of pain as the noble Lord suffers, and as were caused by first hearing of them. But, my Lords, it is to be remembered, that when we talk of the tranquillity of a country, we must compare the present state of that country either with its state at some former period, or with the state of some other country. Before I read to your Lordships the returns which are now before me, I should observe, that there are many reasons why those returns will appear of a more unfavourable description than any former returns as to the state of Ireland. In the first place, the returns I have to produce, are more comprehensive than any former returns; they include a greater variety of offences. Previous to the organization of the constabulary force, there was a great deal more laxity in making up the returns. The police force not being so complete as at present, it could not give to your Lordships the same full and accurate information. Without troubling your Lordships with a statement of minor offences, such as larcenies, an account of which, however, I have before me, I will read to your Lordships a comparative statement of the undernamed crimes and outrages, as reported by the constabulary to have been committed during the two periods, from October 1832 to March 1833, and from October 1836 to March 1837. The former period comprised the six months preceding the passing of the Coercion Bill. I mention this, because the last time the state of Ireland was brought regularly before your Lordships, a comparison was instituted between the offences committed during that period—that is, the six months preceding the Coercion Bill, and a return then made at the request of the Secretary of State for the Home Department, but which could not embrace the two first months of this year. It was, therefore, a comparison between the six months before the Coercion Bill with the last six months of the year 1836. The comparison to which I now call the attention of your Lordships, is made between the six corresponding months of the years 1832-3 and the years 1836-7. The offences enumerated in this return are homicides, firing at the person, cutting and maiming, assaults (specially reported), abductions, rapes and attempts to ravish, levelling, burning, burglary, attacks on houses, demands or robbery of arms, oaths unlawfully administered, illegal notices or meetings, riots, faction fights, rescues and resistance to legal process. The offences in which the greatest diminution has taken place are attacks on houses, firing dwellings, demand and robbery of arms, assaults, cutting and maiming. But the sum total of the whole return, during the six months preceding the passing of the Coercion Bill, was 6,355, and during the six months of last winter 2,385. That any person in the situation of the noble Lord, should state that Ireland is now in a worse condition than it ever was before, when there existed such a return as this, which must, to a certain extent, have been known to everybody who concerns himself about the actual state of Ireland, is most extraordinary. But, my Lords, I will put the case in another point of view. I have a return of the number of crimes reported to have been committed in the first nine months of the years 1832, 1833, 1834, 1835, 1836, and 1837. The number of offences in the first nine months of 1832 was 7,460; in 1833, they were diminished to 6,547; in 1834, to 6,016; in 1835, they rose to 6,645; in 1836, they were reduced to 5,384; and, in the first nine months of the present year, the offences which have called for all this inquiry and lament on the part of the noble Lord have been reduced to 3,784. I have stated, my Lords, that in 1835 there was an increase of the number of offences. But, in that year, there was the excitement of a general election, as there was also in the present year; there were many other exciting causes also operating at that time. The result was, that in 1835, the number was 6,645; whereas, in the first nine months of 1837, also with a general election, the number was 3,748. But, my Lords, I shall be told, that there are other offences. Your Lordships are aware that there are, besides the reports of the constabulary, two other reports, the one made out by the Crown solicitors of the number of prosecutions, and the other made out by the inspectors of prisons. Upon this point, I will read returns to your Lordships which will establish a fact that must be gratifying to the noble Duke opposite, because I am sure, all that the noble Duke desires is, that justice should be done. If I can prove that the number of committals bears a greater proportion to the number of outrages committed, and that the number of convictions bears a greater proportion to the number of committals at this time than in any former period, the noble Duke will, I am confident, admit that it is a highly beneficial result. The first thing to which I shall call the attention of your Lordships is a summary of the returns furnished by the inspectors of prisons from 1832 to 1836, and including the first nine months of 1837, which, in fact, corresponds with the returns of the former years, inasmuch as the offences committed in the last three months of every year, or rather all after the summer assizes, are included in the returns of the succeeding year Without troubling your Lordships with minor offences, I will confine myself to the crimes of murder, manslaughter, shooting, stabbing, administering poison, assaults with intent to murder. These offences are all tried at the Assizes. In 1832, there were 772 committals, and 203 convictions. In 1833, 826 committals, and 303 convictions. In 1834, 520 committals, and 315 convictions. In 1835, 922 committals, and 409 convictions. In 1836, 843 committals, and 425 convictions. In 1837, 547 committals and 229 convictions. In the course of five years, according to this statement, the committals had increased, and this is the first year in which they have diminished. This, I consider, establishes the fact which I wish to impress on your Lordships. I conceive, that according to the greater efficiency with which the law is administered, the greater will be the number of offences prosecuted, and of offenders arrested by the constabulary. One of the circumstances referred to by the noble Lord as a proof of the increase of crime was the increased number of proclamations in *The Gazette;* but the noble Lord evidently cannot derive any advantage in argument from the increased number of proclamations in *The Gazette,* when it of proved by the returns that the number is outrages has diminished. There is never any proclamation inserted in *The Gazette* except upon the report of a constabulary officer. It is he that recommends the offering of a reward, having first reported the offences. Supposing, then, there are more proclamations than before, what does that prove, my Lords? Only the fact that there is a greater disposition than ever to bring offenders to justice. It is founded upon the returns that the precautions taken by the Government have so increased during the last year, that both committals and convictions have been increased at the same time that offences have been diminished. The increased number of committals and of convictions is perfectly compatible with the actual decrease of crimes, when a system of greater vigour in administering the law and in bringing offenders to justice is proved to have been adopted. Then, my

Lords, if there has been a greater number of convictions what does it prove? Why, not that crime has increased, but that the intimidation of prosecutors has diminished. I trust, my Lords, after we shall have wiped off the arrear of crime committed in Ireland, the result of former systems, we may infer favourably from the diminished number of offences during the past year as to the future state of that country. Upon this subject the noble Duke on a former occasion alluded to the returns made by the Crown solicitors of the number of persons prosecuted. On my return to Ireland I directed inquiry to be made of the Crown officers, for information. Reports have been received from Mr. Barrington and Mr. Kemmis, two of the Crown solicitors, addressed to Mr. Drummond, on the subject. Mr. Kemmis writes thus:—" Mr. Kemmis presents his compliments to Mr. Drummond, and in reply to the several inquiries contained in his note of the 13th instant, begs leave to state that previous to the year 1828, and for some time subsequent to that period, almost every case of homicide was charged against the accused parties as murder, and it was left to the petty jury to find a verdict of either murder or manslaughter. Of late years, however, the practice has been changed, and the counsel for the Crown, on reading the evidence in support of the prosecution, decides whether the indictment to be preferred is to be for manslaughter or murder.. In former years the Crown did not prosecute all cases of homicide. Now there is scarcely a case of this description that is not prosecuted or investigated by the Crown. Of late years the Crown solicitor has been directed to prosecute crimes which were not previously taken up by the Crown; such as robberies without violence, bigamy, receiving stolen goods, and cattle stealing, but this latter offence was only prosecuted at one assizes on the Leinster circuit, and has no reference to Dublin. Almost every case of abduction or rape has of late years been prosecuted or investigated by the Crown—before it was not so. Only those cases which were attended with great aggravation and violence were prosecuted. Violent and other assaults have latterly become very frequent in the county and city of Dublin, and appear to arise either from a spirit of combination, or some other illegal confederacy.—Kildare-street, Nov. 15, 1837." Mr. Barrington writes in these terms:—" That the prosecutions of the Crown had till lately been confined almost entirely to cases of Whiteboyism; but that after the year 1821 it was considered, in consequence of the persecutions which ensued on persons prosecuting certain offences, and which deterred others from prosecuting at all, that they should be taken up by the Crown; it was therefore directed that robberies, and maliciously killing and maiming of cattle, and other offences of that description, should be made the subjects of Crown prosecutions. This has necessarily increased the number of prosecutions beyond that of former years." I have letters, my Lords, of exactly the same purport from other Crown solicitors; but it is not necessary that I should trouble your Lordships with them. There is another circumstance to which I will call your Lordships' attention; it is with regard to those returns from the inspectors-general of prisons. I feel it necessary to do this, because I have seen in many of the journals, founded on those returns, an argument very unfavourable to the state of society in Ireland as compared with society in England. I confess, my Lords, when I saw the statements first put forth I did not understand how such a result could arise so apparently unfavourable to Ireland. I therefore examined very carefully into the matter before I made any further inquiry at the Home-office. I first found it was stated that there were something like 18,000 committals in Ireland, and only 13,460 in England. Upon examining further I found the number of persons sentenced to death, transportation, or imprisonment for more than six months, was in England and Wales 5,846, and in Ireland 2,614; and to imprisonment for six months and under were, on the other hand in England and Wales, 8,384; and in Ireland, 13,464. This, my Lords, did certainly seem to me most extraordinary. That so great a number of minor offences should be committed in England, where the people are supposed to be more free from motives of strife than they are in Ireland, while the greater offences in England should present so very unfavourable a proportion as regarded Ireland, did seem very extraordinary. I directed an inquiry to be made at the Home Office upon the subject, and what, my Lords, do you think I found to be the case? Why, that in the Irish returns were included all offences tried at petty sessions and all summary convictions, while every similar offence was excluded from the English returns

When I obtained a corresponding return for England and Wales, I found the convictions to amount to 53,270. My Lords, I cannot wish to state anything disadvantageous to England; therefore I am bound to recollect that a great many of these summary convictions in England and Wales arise from a state of the law in this country which does not exist in Ireland—such as the game-laws and the vagrancy laws. But even making due allowance for this circumstance, I think there are grounds for stating in round numbers, that out of the 53,270 petty and summary convictions we ought to take 20,000 and add to the 14,000 convictions at the assizes and quarter sessions in England and Wales. This, my Lords, would give a result of 34,000 convictions to England and Wales, and 18,000 to Ireland. But supposing we put these summary convictions in England out of the question, and deduct from the Irish returns that which ought not to be in them, with the view of making a fair comparison between the two countries, it will then appear that the convictions in England and Wales are 14,000, and in Ireland 10,000. This I consider to be, in proportion to the population, as one conviction in every 1,000 in England, and one in every 800 in Ireland: a proportion, I admit, unfavourable to Ireland as four to five. But who, my Lords, that looks to the state of society in that country, who that reflects on the manner in which it has been treated, who that considers the grievous evils (and, my Lords, I make no political allusion) with which it has been afflicted, and which have been productive of the greatest destitution and misery—who that looks to these things can be surprised at this relative proportion of offences in the two countries? One other explanation, my Lords, with respect to the returns of the inspector-general; in them 340 persons are stated to have been charged with murder; of these 274 were found innocent or the bills were ignored, twenty-two only were sentenced to death, and from forty to fifty were stated to be discharged on sureties. This seeming absurd, I found the mistake arose from a circumstance which I am sorry to say, is a very common one in Ireland, where death often results from casual violence, the confusion of mixing up manslaughter with murder. Thus it was that the 340 persons committed for murder were reduced to twenty-two persons convicted and sentenced to death. There is another observation connected with the large increase of committals with which it appears to me worth while to trouble your Lordships. It has been the observation of many intelligent gentlemen, both Crown counsel and Crown solicitors, connected with the administration of justice in Ireland, that in proportion as the country is less disturbed—that as there are fewer Whiteboy offences, the minor offences increase. The former constitute rather an important item in the vague accusation thrown out by the noble Lord, but the number of persons committed for Whiteboy offences in 1835 was 425; in 1836, 280; and for the present year, 169. Having so far disposed of these general returns, I must now come to what the noble Lord dwelt very much upon, namely, the effect of the general election upon the tranquillity of Ireland. The effect of that general election was two-fold. One of the effects, which was direct and most objectionable, and did not extend so far, was as in some of those cases to which the noble Lord had alluded, that parties were directly molested for their votes by the popular party. The other effect was the extent to which that election has disorganised again the relation between landlord and tenant. With regard to the first effect of the general election, the noble Lord has alluded particularly to the county of Sligo. The noble Lord has also alluded—and I had hoped that the name of that unfortunate gentleman would not again be brought forward—but he has also alluded to the case of Mr. Blake, whom he states was most improperly made a stipendiary magistrate of the county of Sligo. My Lords, with respect to Mr. Blake having been sent to Sligo, I will candidly own that there was a very great difficulty in finding a sufficient number of stipendiary magistrates to attend the several contested elections at the same time, and when I returned to Ireland I found that Mr. Blake had been already sent to Sligo. I did, perhaps, think that of the whole list of stipendiary magistrates (for it should be observed that there never had been any imputation sustained against him in the discharge of his duty) that Mr. Blake was not the one who should be in that particular district without assistance—Mr. Crossley and Major Browne were accordingly sent to the same neighbourhood. Now, with regard to his appointment, the noble Lord stated that he was disgraced. [Earl *Roden*: No, no;

dismissed.] I understood the noble Earl to say that he had been dismissed his Majesty's service for dishonourable conduct; but all that I can say upon the subject is, that Mr. Blake was recommended to me by a noble Friend of mine, who was then acting as Vice-Lieutenant of the county of Mayo, by a relation of mine, Lord Dillon, and by several other gentlemen. I ascertained that Mr. Blake had acted as a magistrate and without reproach for several years, and upon this information and these recommendations I appointed him. Subsequently to the election at Sligo, a report for the first time reached me that Mr. Blake had been dismissed from his Majesty's service by a court-martial, and I immediately took a step which I think I was bound to do. I applied to my noble Friend at the head of the army for a report of the proceedings of the court-martial. I read the proceedings, and conceiving that a person who had been dismissed from the army, should not be placed in the situation of a stipendiary magistrate, I cancelled Mr. Blake's appointment. I should, however, state, that I learned that the whole case had been investigated ten years before by Lord Manners the then Lord Chancellor, on Mr. Blake's being recommended to be included in the commission of the peace, and that Lord Manners had declared that he was a proper person to hold the commission. I repeat, however, that after a perusal of the proceedings and sentence of the court, I decided differently from Lord Manners, and Mr. Blake has been dismissed. I will only add, in closing the case of Mr. Blake for ever, that as far as his conduct as a magistrate could be noticed I do not believe that there is the slightest ground to find fault with him. Charges were made against him by the hon. Member for Sligo; and with the facility with which I have on all occasions given to both parties an opportunity of bringing them forward, I granted an investigation, on the application of Colonel Perceval, without difficulty or hesitation. Colonel Shaw Kennedy went down to Sligo, by my desire, to hold that investigation, but Colonel Perceval declined to proceed with his charges. I believe that as a magistrate Mr. Blake's conduct has been perfectly without reproach. But that part of his life being brought to my attention in the way I have mentioned, I examined into the circumstances, and I considered that it was not proper, Mr. Blake having been dismissed from his Majesty's service, that he should hold her Majesty's commission of the peace, which, in ignorance of that fact, I had entrusted him with. The noble Lord, has alluded, at considerable length, to the case of Allen. I refer to that again only to show your Lordships how misstatements, when they are not made face to face—what party zeal will do when persons make charges, and when the party charged has not an opportunity of answering them—what erroneous impressions may be made on the public mind on such occasions. There is a certain Colonel, a Member in the other House, but it is not as a Member of the other House I have now to do with him, but as an itinerant orator against the Government—Colonel Conolly. I saw a report that he had made, a statement, that Allen had been murdered, and that the Government had taken no more notice of it than if he had been a dead dog. Now, my Lords, is this language for such a person as Colonel Conolly to hold, unless he is quite sure of his fact? Why, my Lords, what is the fact? The murder of Allen took place at the end of August. By the 6th of September not only had a reward been offered by the Government for the apprehension of the offenders, but money had been also offered for private information, and which led to the apprehension of a person in the station of a Roman Catholic clergyman. The moment it was heard that he was the person accused he was arrested. There was no difficulty in arresting—there was no impediment to the due course of justice. The whole circumstances were investigated; but I will say no more upon the subject at present, because it still stands for further trial, except this, that I believe no person who attended that investigation believed the clergyman to be implicated to the extent supposed; at all events, it was their opinion that Mr. Spellman, far from being fairly charged, had no direct evidence against him, and he was admitted to bail. Yet, my Lords, Colonel Conolly, with all these facts before him, made the statement I have mentioned to your Lordships so lately as the 27th of October. The noble Earl has alluded to another most lamentable case which occurred in Sligo. My Lords, this and every other case of a similar description, of course, requires and demands every attention on the part of the Government. But neither in this case nor in any other case will I admit that the man was murdered because he was a Protestant. I do not believe, my Lords, that such a thing exists. I have heard it stated—by the connexion, of a noble Lord opposite—by a young gentleman who perhaps will know more of Ireland hereafter, when he extends his excursions beyond his own ample domains, for other purposes, than to attend such meetings—but I have heard it stated by that noble Lord, "that no Protestant's life is safe in Ireland unless he is armed." Why, my Lords, I have the authority of many of those who have attended the assizes in Ireland for stating to your Lordships that they believe no such thing in Ireland takes place as the murder of a man on account of his religion. A man happens to be murdered as a part of that dreadful system of combination which exists in Ireland with regard to the tenure of land. If he be a Catholic who has been ejected, and if a Protestant happen to come into the holding, he is murdered on that account, and not because he is a Protestant. It is merely a coincidence that he is a Protestant. Indeed, with respect to Allen, it was supposed that he was murdered because it was suspected that he would have succeeded the person, ejected by the noble Lord opposite, from his holding. [Viscount *Lorton:* It was only suspicion.] I say so, my Lords. I say that such was supposed to be the ground of the murder. My Lords, in not one of the cases which have been stated by the noble Lord is there any reason for saying that the man was murdered because he was a Protestant. A gentleman who has had very considerable experience in prosecutions as a crown solicitor, Mr. Barrington, states :—"I never knew an instance of a murder of any man on account of his religion. Almost all the homicides amongst the lower class in the south of Ireland are of Roman Catholics; and of those in the higher class there were in Limerick alone, in the years 1821, 1822, and 1823, prosecutions in fourteen cases for the murders of, or combining to murder, respectable Protestants, not on account of their religion, but from local causes; so that the attacks on persons who happened to be Protestants is not a recent crime; and the two last prosecutions for conspiring to murder respectable persons were for offences against Roman Catholic gentlemen—one a magistrate and a grand juror, who was fired at and wounded in the year 1834; and the other the case of a conspiracy in the same year to murder the land-agent of a Roman Catholic nobleman, himself a Roman Catholic, by some tenants who were dispossessed of their holdings." The noble Earl has alluded particularly to the county of Sligo; and to show that what has taken place in that county has not escaped my attention, I will read a portion of a communication I made to my noble Friend, the Secretary of State for the Home Department, in consequence of an application from him for returns of offences for the month of September, some offences having increased, and some diminished. The noble Earl here read a long letter addressed to Lord John Russell. His Lordship began by stating that the result of his anxious inquiries had already been that a somewhat unfavourable change had taken place as to certain offences, occasioned by the unfortunate animosities arising out of the late general elections. But Lord John Russell could not have failed to have observed, on examining the returns which were transmitted to him, how local and partial the increase of offences had been. A general return from Sligo showed that one description of offences had increased during the last month (September) above the corresponding month of last year from 21 to 131. In making a strict inquiry into the different parts of these transactions in Sligo, Longford, Mayo, and other counties in that part of Ireland, the noble Viscount thought he could not do better than commit the task to the trust-worthy care of Colonel Shaw Kennedy, with whom he had arranged previous to that gentleman's departure into those counties, that a more efficient system of police should be organised. Such, my Lords, was the state of these counties in the month of September. The noble Earl threw out something like a sneer at my conduct, as if I had not taken proper and vigorous measures to put down that state of things in the counties of Sligo and of Mayo. My Lords, one of the best modes of judging of my endeavours is by the result. I am happy, my Lords, to say that I have received not only the assurances of Colonel Shaw Kennedy, founded upon personal observation, that tranquillity is rapidly returning to, and extending in, those two counties; but the number of outrages has diminished, as I was shortly after able to inform my noble Friend, the Secretary of State for the Home Department, in the proportion of from one-fourth to one-twenty-fourth of the crimes committed in the rest of Ireland. Then, my Lords, with regard to the case of Allen and Mackenzie though I cannot but express my feeling of horror at the atrocity, yet I cannot entirely forget that the system of kidnapping, which has been found to be one of the causes of the subsequent offences, is not by any means confined to any one party or to any one county in Ireland. In the county of Longford, affidavits were sworn to the effect that persons who were known not to be disposed to vote for the Conservatives were confined until the election, and then brought up to the poll and made to vote for that party. In the county of Carlow, the cases of Nolan and Brennan came before the judges at the assizes, where a conviction actually took place of parties charged with having kidnapped persons who would have voted against a certain Conservative party, if they had not been kidnapped. When, my Lords, such proceedings were countenanced by persons of education, who of course could not, by any possibility, be considered as desirous of leading to the commission of an offence of so serious a nature as that of murder—but, my Lords, when persons of high station are seen setting so bad an example, it cannot be a matter of very great surprise, that their example should be followed by persons of an inferior station, who, in the first instance, could not be supposed to intend to commit murder, but whose subsequent proceedings have led to the committal of that crime. I come now to the observations made by the noble Earl with regard to the general election, and to that disorganization that unfortunately too much prevails in Ireland, in the relation between landlord and tenant. Your Lordships must be well aware, the fact having been so frequently mentioned in this House, that much of the disturbance of Ireland depends upon and has its origin in the peculiar tenure of land in that country; and you must also be well aware, how wide is the difference in the relative situations of landlord and tenant in the neighbouring kingdom compared to the situation of the same classes in England. In Ireland there is no demand for any other than agricultural industry. Land becomes a necessity of life, necessity drives hard bargains, and hard bargains beget no good or kindly feelings in the minds of those who are parties to them, either on the one side or on the other. But I will not pursue that part of the subject further. I will not enter into a discussion of those social relations which make so marked a distinction between the relative position of landlord and tenant in Ireland, as contrasted with the position of the same parties in England; it is enough to say, that the general good feeling which exists in the latter, is unknown, or rarely to be found, in the former; and that whilst, in most cases, the relation of landlord and tenant in England is one of sympathy without dependence, in Ireland, it is too often one of entire dependence without a shadow of sympathy. Out of this unfortunate state of things arise many of the disturbances of Ireland. Now, when a general election takes place, it often happens that the party which in Ireland is called Conservative, are induced to start candidates in districts in which I never heard it even pretended that they had the slightest chance of succeeding in obtaining a return. That they have a perfect right to take such a step, if they deem it proper, I do not for a moment deny. I make no complaint upon that head; but if in such districts any unconstitutional threats are held out to bias the votes of any portion of the electors, I leave it to your Lordships to judge whether such a course of proceeding is not calculated to widen the differences and to foment the ill-feeling which already too much exists between landlord and tenant, and at the same time to disturb, perhaps to destroy, the tranquillity of the country. Your Lordships must also recollect the peculiar situation of the popular party at this moment in Ireland. For the first time in the annals of the country, that party is identified with the English government, anxious for nothing more, desirous for nothing more, than to lend a firm and honest support to the British Government and British Parliament. In all former discussions upon the state and condition of Ireland we have heard much of agitation. Three years ago the whole country rung with the cry of "repeal;" where is that cry now? From one end of Ireland to another the people are mute upon the subject of that once-popular demand—not a murmur is heard in any part of the kingdom; they are perfectly satisfied, perfectly content, with the English Government. In such a state of things, I must say, that it is to the landlords of Ireland that we are to look for the maintenance of tranquillity in that country. Of that point I am sure your Lordships must yourselves be sufficiently aware; and, connected with that I must observe, that certain rumours have reached me of the conduct of particular landlords which I shall be very glad to hear explained. I see a noble Earl (Bandon) opposite, of whose conduct as a landlord, in a parish in the county of Cork, certain rumours have been circulated which I am sure he will be happy to have the opportunity of explaining. I am aware that the subject is a very delicate one. I am reluctant to touch upon it. I certainly shall not dwell upon it. I am perfectly aware that the noble Lord has a right to do what he pleases with his own; but, at the same time, when we are considering the effect it may have upon the tranquillity of Ireland, I am bound to say that any wholesale system of depopulation, founded upon the religious opinions of a portion of the people, is a system that cannot for a moment be tolerated. I doubt not that the noble Earl has been misrepresented; and in mentioning the subject I am only affording him an opportunity of explanation, for which I am sure he will thank me. I am sorry to say that this is not an isolated instance. I have read within these last few days a letter, which, upon inquiry, I have every reason to believe genuine, purporting to be addressed to one of the chief tenants on the estate of a Dr. Quin, in the county of Wexford, and stating that his (the tenant's) and his brother's lease would not be renewed, not on account of any objection that his Lordship entertained to either the one or the other of them as farmers, but upon the general ground that the Roman Catholic tenants had given every opposition in their power to the payment of tithes, and had acted against their landlord at every general election for the county. This letter was addressed, as I understand, to the principal tenant of the noble Lord, and in the paper in which I saw it it is accompanied with a statement, which I believe may be corroborated, that so complete was this system of persecution and extermination carried on against the Roman Catholic tenantry, that many of them are unable to find even a night's shelter. Upon such a system, my Lords, I will not make a single comment; but I leave it to your Lordships, when you are exposed even for a moment to the cold air in passing hence to-night to your own homes, to reflect upon the sufferings of these people—to reflect upon the sufferings of aged men, bedridden, if still they have a bed left—of women in childbirth—of infants hungry and helpless, ejected in this wholesale manner from their homes, and compelled to wander the country in these bleak winter nights. Such, I am told, is the condition of some of the tenantry in that part of the country to which I have alluded. My Lords, let those only who think that such things are right for such causes — let them, and them only, talk merely of the crime, and think nothing of the misery of Ireland. Nay, I will say more: if any such system is pursued—if any general depopulation of the country on the ground of religion is attempted in Ireland—I will still labour on; I will still endeavour, as long as I am honoured with the confidence of my Sovereign, to secure the tranquillity and preserve the peace of that distressed country. The greater the difficulty the more time I will devote, the more energy I will exert towards the attainment of that end; but I tell the persons who take such steps, that I consider them more powerful for evil than I can be for good in the honest and unshrinking discharge of my duties; and if such a state of things arise, on the heads of those who have provoked the consequences, be the responsibility. The noble Earl in the course of his address this evening has alluded to many of the circumstances that exist in Ireland as if they were new. He makes it a serious charge against the Government that the grounds of complaint are new. I think that the noble Lord is bound not only to prove that I am censurable for the existing state of things in Ireland, but that that state of things is such as has not existed before. But I am satisfied, that not one of your Lordships can have heard the noble Earl's statement this evening without being at once aware that complaints of a similar nature have been made not only within the last few years, but for a very long time past. The noble Duke opposite must recollect the circumstance of his bringing in a bill to give additional force and vigour to the law in the first year in which he filled the office of Secretary for Ireland, giving us his reason for so doing, the disturbed state of society in that country. So again, in 1814, Mr. Peel, in bringing in a bill similar to that introduced by the noble Duke, stated that the evil the measure proposed to remedy had not arisen on a sudden, but that it had existed for a considerable time, indeed for the whole time that he had had the honour of forming a part of the Irish Government. The right hon. Gentleman then said, the oath which the parties took bound them in the most sacred and solemn terms to suffer death rather than give any information against their companions—against those who associated with them to join the French, if the French could be persuaded to make a descent upon that country. Mr. Peel also related that there was something peculiar in the then existing state of the country, something in the nature, character, and tendency of the associations and combinations then formed in every part of the kingdom, that rendered it necessary to have recourse to measures of greater rigour than had previously been adopted. He described the disturbances that existed everywhere as of the most alarming description. Such information, he said, had reached the Government as, when explained to the Legislature, would render it impossible for any one to whom it was addressed not to acknowledge the necessity of adopting some such measure of rigorous severity as that which he then proposed, even though it might shock their minds and wound their feelings. Such were the arguments advanced by Sir Robert Peel in 1814 in support of the measure then introduced by him. My Lords, I know of no system now existing in Ireland that demands any alteration of the laws that might shock your minds or wound your feelings. Speaking upon the same subject again in the year 1816, Mr. Peel said that the disturbances which then existed in Ireland seemed to be the effect of a general confederacy in crime, a comprehensive conspiracy of guilt, a systematic opposition to all laws and municipal institutions. The records of the courts of justice, he said, would show such a settled and uniform system of guilt, such monstrous and horrible perjuries, as could not be believed or be found in the annals of any country on the face of the globe, whether civilised or uncivilised. Then, added Mr. Peel, in a few words of practical wisdom that would apply well to the present time:—"Time alone, the prevalence of a kind and paternal Government, and the extension of education, are the remedies which must be chiefly relied upon." I will not dwell upon the use made of the time which elapsed whilst Mr. Peel continued his connection with the government of the country; but surely, when that right hon. Gentleman cordially concurred with the noble Duke opposite in 1829 in carrying that measure without which no government would be accepted as a kind and paternal government in Ireland, surely the right hon. Gentleman must at that moment have looked back with no very enviable feeling to the time which had been wasted between 1814, when he said that "time alone must be relied upon," and the year 1829, when he came forward as the advocate and supporter of the Roman Catholic Relief Bill. And when Mr. Peel spoke of the "extension of education," as another part of the remedy to be applied to Ireland, I take it for granted that he meant the extension of such a system of education as should be applicable to the great mass of the people. I feel, therefore, that in 1814, Mr. Peel only anticipated the intention which induced him, in 1829, to co-operate with the noble Duke in carrying the Catholic Relief Bill, and, in 1835, to propose an extended plan of national education in Ireland. I must crave your pardon, my Lords, for having occupied so much of your time, but I am now drawing towards a close. In referring to these points it is rather curious to observe how, in all ages and all times, a contrast has been presented as regards the state of Ireland, between that which wise men said in their closets was good for it, and that which statesmen afterwards carried into execution. With what wisdom have men written, with what folly have they not acted in reference to Ireland? I happened lately to have my attention called to a few words used by a great authority of old, but which singularly apply to the state of Ireland at the present sime. Lord Bacon, in speaking of Ireland, strangely enough makes use of expressions which, remote as was the period at which he wrote, and different as the circumstances of the country then were, apply with singular force to the condition of Ireland at the present day. In a letter which is quaintly entitled "A letter to Mr. Secretary Cecil, after the defeating of the Spanish forces in Ireland, inciting him to embrace the care of reducing that kingdom to civility, with some reasons sent inclosed," Lord Bacon says:—

> "As one that wisheth you all increase of honour, and as one that cannot leave to love the State, what interest soever I have, or may come to have in it, and as one that now this dead vacation-time hath some leisure *ad aliud agendum*, I will presume to propound to you that which though you cannot but see, yet I know not whether you apprehend and esteem it in so high a degree; that is, for the best action of importation to yourself, of sound honour and merit to her Majesty and this Crown, without ventosity and popularity, that the riches of any occasion, or the tide of any opportunity can possibly minister or offer; and

that is the causes of Ireland, if they be taken by the right handle. For if the wound be not ripped up again and come to a recrudency by new foreign succours, I think that no physician will go on much with letting of blood, *in declinatione morbi*, but will intend to purge and corroborate. To which purpose I send you mine opinion without labour of words in the enclosed; and sure I am that if you shall enter into the matter according to the vivacity of your own spirit, nothing can make unto you a more gainful return. For you shall make the Queen's felicity complete."

I am sure there is not a native in Ireland who does not feel that the early opportunity which her Majesty took to express her good wishes and kind feelings towards that particular branch of her empire, ought to entitle her to the regard of every subject in it, and to induce them all, by a strict observance of the laws, to secure to her that "complete felicity" which Lord Bacon was anxious to procure for Elizabeth. Lord Bacon, in the same letter, advances a number of considerations touching the Queen's service in Ireland. "The reduction of that country," says he, "as well to civility and justice as to obedience and peace, which things, as affairs now stand, I hold to be inseparable, consisteth in four points:—first, the extinguishing of the relics of the war; second, the recovery of the hearts of the people; third, the removing of the root and occasions of new troubles; fourth, plantations and buildings." He then observes: "Towards the recovery of the hearts of the people there be but three things *in natura rerum*. One, religion; two, justice and protection; three, obligation and reward." Lord Bacon goes on to recommend the toleration of the Catholic faith—a thing rather curious at that time; and with respect to justice, he advised the introduction of the laws of England. Upon the point of obligation and reward, he says:—

"It is true, no doubt, which was anciently said, that a state is contained in two words, *præmium* and *pœna*; and I am persuaded if a penny in the pound which hath been spent in *pœna*—for this kind of war is but *pœna* or chastisement of rebels, without fruit or emolument to this state, had been spent in *præmio*, that is, in rewarding, things had never grown to this extremity. But to speak forwards. The keeping of the principal Irish persons in terms of contentment and without cause of particular complaint, and generally the carrying of an even course between the English and the Irish, whether it be in competition or whether it be in controversy, as if they were one nation, without that same partial course which hath been held by the governors and counsellors there, that some have favoured the Irish and some contrary, is one of the best medicines of that state. And as for other points of contentment, as the countenancing of their nobility as well in this court as there, the imparting of knighthood, the care of education of their children, and the like points of comfort and allurement; they are things which fall into every man's consideration."

So it appears, my Lords, that a very learned Lord in the reign of Elizabeth, certainly did not entertain the same idea of the Irish people as a learned Lord of our own time, and never dreamed of treating them as aliens. I will trouble your Lordships with only one more document upon this subject. It comes from the hand of a very different person, and is of a very different date. It came into my possession by accident, but it is, I think, strongly applicable to the present time. It is an autograph letter of the great Lord Chesterfield, which was found with many others in the castle at Dublin, having been written many years after that noble Lord had been Lord-Lieutenant of Ireland. In that letter Lord Chesterfield, observing upon certain comments that had been made upon his conduct whilst entrusted with the Government of Ireland, said that whilst he had endeavoured to govern, with all humanity, he had invariably enforced the laws without reference either to the religious opinions or political sentiments of those who came within the scope of justice. I tell the noble Earl (Earl Roden) opposite that that is exactly what I would do. If there were any disposition on the part of any body of the people to violate the laws, I, although accused of leaning to the Papists, would follow the example of Lord Chesterfield, and enforce the laws without reference either to the religious opinions or political sentiments of those who exhibited a disposition to violate them. In another part of his letter Lord Chesterfield says, "I was determined to proscribe no set of persons whatever, and I was determined to be governed by none." So say I. The noble Earl opposite in the early part of his Speech quoted from an authority to which he said I was bound. My Lords, I am bound to no man—I acknowledge no man's bond. I defy the noble Lord to prove that part of his accusation. I do not consider that in consulting the wishes of an entire people to the best of my humble ability I have in any one act given ground to the noble Earl to say that I have bowed to any man. I require, my Lords—I care not what insinuations may be thrown out against me—I require nothing but the conviction of my own conscience throughout the whole of the time that I have been the representative of the Crown in Ireland to sustain me against such charges as have this night been brought against me. It has been stated by persons who must know better, that Mr. O'Connell has all the patronage of the Government in Ireland. I utterly and indignantly deny the truth of that statement. Mr. O'Connell, like any other Member of Parliament requiring information from the Government, has, I admit, had several communications with it; but I can confidently state, that the applications of Mr. O'Connell have been fewer than those of any other Member of Parliament. Neither has Mr. O'Connell been consulted more than any other Member of Parliament in any one appointment made by the Irish Government. Mr. O'Connell holds no government patronage in Ireland, nor does he exercise any of the patronage that belongs to the Government. Mr. O'Connell does not bind nor control me in the exercise of my judgment, or in the distribution of my patronage. I bow to no man. But whilst I bow to no man, like Lord Chesterfield, I will "proscribe" no man. The taunt against me is, that I have treated Mr. O'Connell in the same way as I would treat any other Member of Parliament. So I have, my Lords, and so I will always continue to do. But I fearlessly and utterly deny that the Government has been controlled by Mr. O'Connell, or has consulted with Mr. O'Connell as to any of the appointments that have been made; and as to the charge of the Government having the steady support of Mr. O'Connell, I honestly confess that that is a circumstance, considering how much he carries with him the hearts and affections of the Irish people, that I can regard only as a great advantage, and as one that ought not to be made a matter of reproach. But that Mr. O'Connell influences me—that he actuates me in the discharge of my duties, or that I am governed or actuated by any other than my own sense of right, I utterly and totally deny in the face of your Lordships, and of the noble Lord by whom the charge was brought forward. The noble Earl (Roden) is perfectly aware, that on all occasions on which I have an opportunity of addressing your Lordships, I never hesitate to express the respect I really feel for the consistency and sincerity of his character. It is therefore with very considerable pain that I allude to a phrase attributed to the noble Earl, and said to have been uttered by him, not in this House, but elsewhere—a phrase to which my attention has been called, and of which I shall certainly desire to receive an explanation, because, if it be accurately reported, I consider it one of the most unjustifiable imputations that has ever been made in any quarter throughout the whole of the party warfare which has raged during the last few angry years. It so pleased the self-styled Conservatives of Belfast to hold a meeting not long since, at which no reporters were admitted, except those of their own political opinions. Therefore any thing that is reported to have been uttered by any person at that meeting, one must take as being not only what he did say, but what he wished to be known. My Lords, I feel that there are topics of too great, of too sacred importance to be made the subject of political discussion in any assembly. I have this feeling deeply and strongly impressed upon me, even whilst I am asking the noble Earl for an explanation of the expression attributed to him; but how much more strongly do I feel it when such subjects are brought forward at political party meetings and midnight revels. At the meeting to which I allude, it was asserted, as the report says, by the noble Earl opposite, that the Government of this country was vested in the hands of infidels! "Do I speak too strongly?" the noble Earl is said to have added. Well might the noble Earl have put that question to himself. If such language is unfit to be held here, well might the noble Earl have asked himself whether it were fit to use it to an excited party meeting. I feel that the noble Earl's conscience must have already reproached him. Is it possible, that the noble Earl could seriously mean to employ such language in addressing the excited revellers about him?

The Earl of *Roden:* Perhaps I may save the noble Earl's time by declaring, at once, that I never made use of the expression attributed to me.

The Earl of *Mulgrave:* Then I will not add another word upon the subject. I am perfectly satisfied with the noble Earl's declaration. All I can say is, that these words were reported, and that all other reporters were, as I understood, excluded from the meeting except those favourable to the views of the parties assembled. I should, therefore, have concluded from the report that such words had been used; but as the noble Lord disclaims them, I feel assured that he did not employ them, and I, at once, dismiss the subject from my mind, fully persuaded that the noble Earl feels as strongly as I do that nothing could excuse such an imputation as that of infidelity upon the whole of the Government. I fear I have wearied your Lordships, but it was necessary for me, in justice to myself, to enter into some detail. I have already stated, that I am not able exactly to understand the nature of the charge which the noble Earl brings against me. I trust, however, I have been enabled to prove, first, that the number of political offences has, during my administration in Ireland, been less than in previous years; and secondly, that the general moral improvement of the people has been progressive. I do not pretend to say, that there have not been occasional checks in the progress of improvement; but I hope I have stated enough to prove that the Government has done every thing in its power to neutralise all the old tendencies to crime. I have proved to your Lordships that outrages are decreasing, I have proved that the proportion of convictions to committals, and of committals to the actual number of outrages, has greatly increased within the last few years as compared with former periods. Having stated thus much, I shall only, in conclusion observe, that as long as I possess the confidence of her Majesty, I shall continue in the steady pursuit of that course which I consider the best for the welfare of the country intrusted to my charge. I have no other object in view, than the impartial distribution of justice to all. In the words of Lord Bacon to treat the English and the Irish as one nation. In the words of Mr. Peel, in 1816, I shall look to the influence of a kind and paternal Government, and to the extension of education, to secure the tranquillity of Ireland; and whilst, on the one hand, I will submit to the dictation or control of no man, so,on the other, shall I be careful, in the language of Lord Chesterfield, to "proscribe" no man. The only object that I shall have in view will be to attempt in the humble sphere of my utility to cherish the confidence of my Sovereign, and to unite in her service the hearts of the Irish people.

The Earl of *Bandon* felt, as the noble Earl opposite had alluded to him in so pointed a manner, it was necessary that he should trouble their Lordships with a very few words. The noble Earl had brought a charge against him, founded upon a newspaper report. He (the Earl of Bandon) was not in the habit of attending to newspaper reports, and he never condescended to answer them. He thought he had some reason to complain of the noble Earl for advancing so grave a charge against him, founded upon no more authentic information than that contained in a newspaper. He would not trouble their Lordships by entering into a detail of his arrangements with respect to his own estate. He would only say, that the 247 persons whom he was accused, at that inclement season, of having turned adrift in the world were all of them in their respective houses. Having made that statement, he must repeat, that he felt himself rather ill-used in having been called to defend himself from a charge founded upon no better authority than that of a newspaper.

The Earl of *Mulgrave:* I told the noble Earl at the time I made the statement, that I did not believe it to be true. I merely mentioned it to give him the opportunity of explaining.

The Earl of *Donoughmore* said, that, from the position which he held in the county Tipperary, he was enabled to prove to their Lordships' satisfaction that the noble Earl was not borne out by his facts in stating that internal peace and domestic tranquillity prevailed in that portion of Ireland. He would prove, not from any questionable documents—not from any sources which could be gainsayed, but from the police reports made to the noble Earl himself, that there was not only a great amount of crime at present, and for a long time past, in that county, but that it had been, and actually was, considerably on the increase. At the same time, he begged to say that he made no charge against the noble Earl of not suppressing that which did exist, or of causing that increase, by neglecting to carry the common law of the land rigorously and strenuously into execution. In the first place, he would beg to call the attention of the House to the convictions which had taken place there. At the last assizes in the county of Tipperary, held at Clonmel in August, there were 1,131 cases of all classes for trial before the Judges. Of that number

166 were convicted; twenty-five condemned to suffer death, of which six had been already executed, and the sentences of the remainder commuted to transportation for life. In addition to these there were sixty-six others sentenced to different periods of transportation. Could the noble Earl or any other noble Lord opposite say, after that, that he had not pushed the common law of the land in Ireland as far as it could go? But he (the Earl of Donoughmore) would bring the whole state of the country under the consideration of their Lordships. It was not to be dissembled, that in consequence of the late general election there had been much commotion in the country, and a considerable quantity of bad feeling elicited; though he would do the noble Earl opposite the justice to say that on that occasion he had sent a large body of troops into Tipperary for the purpose of keeping the peace and making the people quiet; but still the crimes of the county had gone on increasing ever since, notwithstanding all the exertions of the noble Earl, and all the powers of the common law of the land. He (the Earl of Donoughmore) repeated, that he made no charge against the noble Earl, and that what he was about to state he quoted from the police reports published by Government. The assizes for the county were held in July. From thence to August the neighbourhood was very quiet, for there was only one murder committed in that month. That murder took place at six o'clock in the evening, within a little distance of the house of the hon. Member for the county, Mr. Sheil, and yet no reward was offered for the apprehension of the murderers, and no notice was taken in any way. But the great evils of the county in that month were large hordes of armed men marching and countermarching across and athwart it in all directions, by day and by night. In August these bodies of armed men made their appearance upon no less than seven occasions. Crime of that kind must be very gross indeed for the gentlemen of the county of Tipperary to call on her Majesty's Government for interference and support against it. In the month of September there was only one murder also, but then the appearance of armed bodies of men had increased eleven fold. It was in the month of October, however, that the vast mass of crime which constituted his proof occurred; and he hoped that he should be able to make out his case to the satisfaction of the House by reference to the police reports for that period alone. In that one month ten human beings were consigned to an early grave, barbarously murdered by lawless assassins, some of them in the open day. Ten others had been beaten so badly in the same month—some having had their skulls fractured, some their legs and bones broken, and some their eyes knocked out—that they still lingered without hope of surviving! What did he say? Eight of them only survived; for two of the wounded men had since been added to the black catalogue of murder which preceded them. Thus, in one short month twelve human beings were consigned to a premature grave, and eight more put in a condition to follow them, besides bodies of armed men marching over the county almost nightly. The noble Earl would certainly allow that that was a vast mass of crime, and he would allow it was particularly so when it was borne in mind what great efforts were made to suppress it. But he had additional proof that crime in the county of Tipperary was not on the decrease. There could be nowhere found a more efficient officer than Mr. Howley, the assistant barrister of that county. He was a Roman Catholic but he put the law vigorously in force, and spared not to punish crime when he had the power of doing so. The duty of assistant barrister was to preside at the quarter sessions of the county, a court with powers recently extended to transportation. But how stood the case in regard to the state of crime in that court? At the Thurles Sessions, held October, 1836, there were forty-six persons convicted before the assistant barrister, whilst in the October session of 1837, the following year, there were no less than eighty-five. That did not look very like decrease of crime at all events, whatever else it looked like. He did not wish to say anything which could excite angry feelings in the mind of any person—still less did he desire to give utterance to words which could offend the noble Earl opposite; but still he could not help concluding that that noble Earl had not made himself master of the contents of these reports—perhaps the fairest supposition was that he had not seen them—when he made the statements he had submitted to their Lordships. Neither could the noble Viscount (Lord Melbourne) have

been acquainted with the facts which he had now laid before their Lordships when he was writing the speech which her Majesty delivered from the throne, or he would not have spoken so confidently of our domestic tranquility. He knew his honesty, he knew his downright integrity, and he repeated his belief that, if he had been aware of these circumstances, he would never have introduced such a paragraph into the speech. He was obliged now to go a little further, and to refer to circumstances which took place on the very day when her Majesty was making her most gracious speech from the throne. On that day was held a meeting of eighteen magistrates of the county of Tipperary, for the purpose of taking into consideration the state of one barony in that county. Now, he begged particularly to call the attention of the noble Viscount (Melbourne), and the noble Earl (Mulgrave), to the description of the parties who met there. Perhaps they might think that it was the Conservative gentry who had met together for the purpose of injuring the noble Earl's administration. That, however, was not the case. Three out of the eighteen magistrates who attended were Catholics, most respectable men, and who in every point of view did their duty as magistrates strictly and well. They were also supporters of her Majesty's present Government. In addition to these gentlemen there was another Catholic magistrate present, the first Member for Cashel after passing the Reform Bill. The magistrates to whose meeting he referred, after taking the state of the barony into their serious consideration, addressed a memorial to the Lords Justices, a copy of which he held in his hand. He (the Earl of Donoughmore) should take the liberty of reading the document to their Lordships. It was as follows.

"Tipperary, Nov. 20, 1837.

"We, the undersigned, magistrates of the country of Tipperary, residing in the barony of Clanwilliam and its vicinity, beg leave to represent to the Lords Justices of Ireland,

"That we consider it our bounden duty to lay before her Majesty's Government a statement of the crimes committed in the Barony of Clanwilliam between the 1st of October to the 20th of November as appended.

"We beg leave to call your Lordships' attention to the number of crimes of all description which have been committed in the short period stated, including murders of the most atrocious nature, as well as attacks on houses and property in general.

"We particularly call your Lordships' attention to the murder of Murphy, at Bansha, on the 12th instant, which was attended with the most revolting and barbarous circumstances. The perpetrators remained guarding the wife and ten children of the deceased for two hours, until the return of Murphy, when he was murdered in the most brutal manner. It is supposed from expressions uttered by the assassins that his having seized and sold corn for rent due to him was the cause of his death.

"We also call your Lordships' attention to the attack upon the police of Donaskeigh, on the 21st of October, who, having arrested an outlaw, were instantly attacked by a considerable mob, the House in which they took refuge was set on fire, and the prisoner rescued. One of the police was seriously wounded, and one of the mob was shot.

"This case proves the facility with which a body of persons can be induced to set the laws of the land at defiance.

"We therefore give it as our decided opinion that from the system of outrage which is pursued by the disturbers of the peace neither life nor property is safe or secure in that district.

"We also state it as our opinion that the lawless portion of the peasantry of the county are in possession of considerable quantities of unlicensed arms.

"Under the circumstance, we beg respectfully to request that the 5th and 6th William 4th., cap. 48, may be put in force.

"This law is, we conceive, peculiarly necessary, as the common law of the land is not sufficiently strong as regards the punishment of the offence of being in possession of unregistered arms, especially when armed parties are met with at night.

"We also recommend that an additional force of fifty police be sent into these districts and a military party be sent to Cappaghwhite, and that the system of patrolling by military as well as police which was attended with such good effect in the winter of 1834-5, be resumed.

"These statements and observations we respectfully submit to the Lords Justices of Ireland."

Having gone thus far to prove the existence of the internal peace and tranquillity boasted of by the Noble Earl he (the Earl of Donoughmore) should next read a few details from the general statement of crime in the barony, commencing on the 1st day of October, and ending the 20th of September. They, unhappily, consisted of some murders of the most cold blooded and atrocious character, coupled in most cases with attacks on property. Those magistrates in their memorial, had said that there was no safety for life or property in the barony of Clanwilliam, and he should be able to prove that they stated but the simple truth by a reference to the police reports for that period—little more than seven weeks :

"Oct. 9.—On this night, about ten o'clock two shots were fired into the drawing-room of James Sadlier, Esq., of Brookville, in this district, and a threatening notice, of which the following is a copy, posted on the hall door—:

"'Sadlier, we are listening to you this long time, and we said nothing to you; but if you don't take this warning we will cure you. Less you say about any one the better for you. This is the last notice you will get.'

"A man named Bourke was suspected for this outrage, because it was reported that Mr. Sadlier could prove it was he that beat Patrick Kilmartin, and fractured his skull.

"Oct. 9.—On this night, as Partrick Kilmartin was returning from the market of Tipperary he was knocked down, and his skull fractured, at the Cross of Scallaheen, parish of Tipperary, Barony of Clanwilliam. Kilmartin could not say who struck him but stated that there were many persons present when he was beaten.

"Oct. 10.—On this night a milch cow, the property of James Sadlier, Esq., was maliciously shot through the loins by some person unknown.

"Same reason is assigned for this as for the outrage committed on him the night before.

"Oct. 12—On this evening, about six o'clock, as Mr. Henry Quillilan, of Ballyneal, was returning from Tipperary, he was fired at by two men, armed with large pistols, who came from behind a hedge at Cappuattin, parish of Donohill, barony of Clanwilliam. A slug wounded Mr. Quillilan, in the lower part of the belly, but not severely. He did not know his assailants, nor can he assign any reason for the attack; but thinks he was mistaken for somebody else."

The person he was mistaken for was Colonel Purefoy, a gentleman of large landed estates in the county, but who for the last four years had been unable to go out, even on his own demesne, unless accompanied by armed men for his protection from these assassins:—

"Oct. 19.—On this night, about the hour of one o'clock, the house of Timothy Crotty, of Shronehill, in that parish, and barony of Clanwilliam, was entered by an armed party, who fired two shots therein, and they broke all the windows, and fired three shots into an outhouse, and broke the yard gate, and then went away, warning Crotty to 'share the quarry-field,' meaning a field which Crotty had lately purchased from one Philip Dwyer. Neither Crotty nor his family knew any of the party.

"The same night a notice was posted on the door of Mr. Henry Quillilan, of Ballyneal, ordering him, upon pain of death, to turn out of his employment a man named William Corbet. This Mr. Quillilan is the person who was fired at on the 12th inst., and he can assign no reason for their wishing to have Corbet turned off unless because he is a trustworthy man of his.

"Nov. 2.—On this night, about the hour of nine o'clock, a threatening notice was posted on a stick, opposite the hall door of Mr. Sadlier, of Sadlier's Wells, ordering him 'to have nothing to do with Mr. Sherrard's herdsman.'

"A shot was also fired at one of the parlour windows, which broke a pane of glass.. Mr. Sadlier parted with a herd of the name of Dwyer, and was about hiring a man, named Ryan, which is the only reason assigned."

These were the police reports furnished to the noble Lord, and, with these before their Lordships, would any one be found hardy enough to say that he had properly described the state of Ireland? But there were still more and worse to come on:

"Nov. 12.—On this night, about the hour of seven o'clock, the house of James Honan, Mrs. Honan, Mrs. Cronan, at Ballyhurst, and Martin Dalton, of Drumalieve, all in the parish of Tipperary, barony of Clanwilliam, were attacked by an armed party, who beat James Honan and his sons severely, broke all the windows, and fired four shots. They broke Mrs. Honan's door, and broke all the windows at Mrs. Cronan's. They entered Martin Dalton's house, beat him and his son, and on going away fired a shot in the yard and warned them to have nothing to do with, the lands of Drumalieve. This farm belongs to Mr. Scully, of Kilfeacle, and is to be let, and all the above-named persons had proposed for it, which was the cause of the outrage.

"The same evening, about the hour of six o'clock, an armed party came to the house of Mr. William Dickson, of Scallaheen, parish of Tipperary, barony of Clanwilliam. They succeeded in robbing the house of a valuable double-barrelled gun, which they found in a case at the foot of Mr. Dickson's bed.

"Nov. 14.—On this night a man named John Mannix was barbarously murdered at Ballykesteen, in the parish of Scalaheadbeg and barony of Clanwilliam, by some person or persons unknown. He was found dead by a man named Jones, lying near a heap of stones, with his skull broken in several places. No clue whatever has been obtained as to who the perpetrators are."

But, perhaps, the most fearful of all was the murder of Murphy. He would read the report for their Lordships:—

"Nov. 12.—On this night, about the hour of eleven o'clock, the house of a farmer, named Denis Murphy, of Foxfort, parish of Bansha, was entered by three armed men, two of whom were disguised, who, after searching for Murphy, and finding him absent, lay in wait convenient to his dwelling, until he was returning, when he was pounced upon by these merciless assassins, who, after breaking his head to atoms, fired a shot, which broke his leg. The cause assigned for this outrage is, that Murphy had distrained some effects belonging to tenants of his, on lands held under a lease of his own life; and yet this man's house was within a mile of Bansha, where there is a body of military, and a police station."

He (the Earl of Donoughmore) hoped he had now sufficiently satisfied the House that the allegations of the memorial transmitted by the magistrates of the county of Tipperary, to the noble Viceroy's Government, "that there was no security for life or property longer," were fully sustained; and also that the common law of the land as it now stood was insufficient to meet men with unregistered arms in their possession. What was the common law with respect to the possession of unregistered arms? By the provisions of the statute for the purpose, any person found in Ireland with unregistered arms in his hands was only liable to a fine of 10*l.* or two months' imprisonment in the gaol of the county. Was that a punishment sufficiently severe for an offence which entailed such fearful consequences upon society? He could not by any means concur with the noble Earl in his view that it was—considering the harm that had been done by those in possession of weapons. He never should agree in that respect with the noble Viceroy, though he believed him to be entirely sincere in his view; for how could he be otherwise, when he liberated a man confined for the offence in one of his gaol deliveries at Clonmel? For himself he did not hesitate to state his belief that the existing common law was insufficient for its object, and it was under the same impression that these gentlemen, the magistrates of the district, called upon the Lords Justices to put in force the statute 5 and 6 William 4th. chap. 48, which was an Act brought in at the time the noble Viscount opposite was at the head of his late Majesty's Government, and which received the Royal assent in the month of August, 1835. Now, he did not pretend to be a lawyer, and he should not therefore attempt to offer any good opinion upon the provisions of that Act. Although it was entitled an Act for the better prevention and punishment of offences against the peace in Ireland, experience convinced him that even if that Act was put in force, the magistracy would still be wholly unable to get up the unregistered arms in that district. His reason for saying this was, that he remembered when the Marquess Wellesley was Lord-Lieutenant, that noble Marquess was obliged to put coercion in force in this self same barony of Clanwilliam, and that even under the penalties of the Coercion Bill, in no single instance were the magistracy or police able to get up the unregistered arms in that district. Therefore, if the noble Earl was mistaken in supposing that a more lenient enactment than that would be likely to succeed, it was impossible for this county to remain in its present state; and he would tell the noble Viscount opposite, that sooner or later he would be obliged to strengthen the powers of the noble Earl near him in order to take the arms out of the hands of the misguided people who now possessed them; no doubt he would be obliged to bring in an Arms Act, with provisions similar to those introduced in the Act brought forward some sessions back in another place by Lord Stanley, when he was chief Secretary for Ireland. He remembered of that Act, that it was stated, that it would be used as an engine for oppression. But under that Act it was provided, that if a party were taken with unregistered arms in his possession, he should be brought before the assistant-barrister,—one of a body of most able functionaries, as the noble Earl must himself admit—and if convicted, the assistant-barrister was authorised, if he so thought fit, to transport him for the term of seven years. Now supposing such an Act was in force at the present, in what way could it possibly work oppressively? The party charged would first be tried before a fully competent tribunal, and if convicted upon clear evidence might be sentenced to seven years transportation; but it was well known that sentence could not be carried into execution without the evidence upon which the conviction had been obtained being laid before the noble Earl opposite as her Majesty's representative in Ireland, and then, if the noble Earl saw anything in the case at all approaching to oppression or partisanship, the noble Earl had full power to exercise the royal prerogative of pardon. He was aware that the noble Earl opposite would not like to come down to this House and ask their Lordships to intrust him with such additional and severer powers as he had suggested; he was aware that many reasons might prevail in the noble Earl's mind against his taking that course; it might be that the noble Earl might have a fear that by so doing he might lose some of his popularity in Ireland. But although the noble Earl might not continue so much the idol of those people who disturb the peace—of those who commit these offences—of those who perpetrate these midnight murders—he was perfectly convinced that if the noble Earl came down to that House—admit that though the law of the land had been carried out by him with the fullest vigour, (for he must admit, with a knowledge of this county gained by a residence in it of twenty years, that no Lord-Lieutenant ever pushed the law there further than the noble Earl opposite had done) it had wholly failed, if the noble Earl made the admission, and asked this House for additional powers, he could assure the noble Earl that whatever popularity he might lose with one party, he would gain it in a tenfold degree from the friends of peace and good order in Ireland. There was not a resident gentleman—there was not a magistrate in the county of Tipperary that would not, if that course of conduct were pursued by the noble Earl, almost worship him, and that, too, for the reason that at present they lived in fear and trembling for their lives. He most truly believed that the noble Earl, by the terror such a bill would create, would be able to give protection to life and property, which was more than any Lord-lieutenant had been ever able to do in that most unfortunate county. It was always with the greatest reluctance that he intruded himself upon the attention of their Lordships, and he certainly should not have done so upon the present occasion, had he not felt it his duty to state to their Lordships the opinions held by these eighteen magistrates, and that duty he trusted he had discharged with calmness and moderation.

The Earl of *Mulgrave* said, that before he addressed their Lordships in reply to the observations of the noble Earl by whom the present subject had been brought under discussion, he had paused in the hope that any other noble Lord who had any fact or circumstances to state, should do so before he (the Earl of Mulgrave) engaged their Lordships' attention. He made no complaint that the noble Earl, who had just sat down, had not availed himself of the opportunity then afforded him of making the statement he had just concluded: but surely it would have been much more convenient had he pursued that course: and still more so if the noble Earl had, like the noble Lord who spoke first, had the courtesy to give him (the Earl of Mulgrave) notice of his intention to bring this statement before the House. [The Earl of *Donoughmore:* It is founded on all your own documents.] The noble Earl's statement was founded on the representations of the magistrates addressed to the Lords' Justices, and which came through the hands of the noble Earl in his character of Lord-Lieutenant of the county of Tipperary; and if the noble Earl had given him (the Earl of Mulgrave) notice of his intention to use it, it would have spared their Lordships the unpleasantness of so repeatedly hearing him, and he should have come prepared with the document which the noble Earl had quoted. That document he had only received yesterday morning, but he had read through the whole of the police reports with reference to the outrages committed on the 1st of October, in the barony of Clanwilliam. Unfortunately it was no new thing that there should be a banditti in that district, but after reading the reports very attentively he found that those outrages arose from a desire to obtain possession of lands—from a desire to keep possession of lands—or from quarrels between farm servants. Neither did he perceive that any great number of persons had combined together to commit these outrages. Such was his impression on reading the document and he was confirmed in his former opinion that he should be able to put down those outrages by the force of the ordinary and existing laws. This question, as to the means of keeping the county of Tipperary quiet and tranquil, was not a novel question, for two years ago the noble Earl who spoke last had made a similar appeal to him that the noble Earl had brought forward to-night. After that he had increased the force in that district, he had added very much to the constabulary body, but he had refused to apply the provisions of the act to which the noble Earl had referred, and what had been the result? Why, that the number of offences had diminished, as appeared from the charges of the judges of assize, and from the state of the gaols, and he thought it would require a stronger case than the noble Earl had been able to bring forward to induce him to take the course the noble Earl opposite had proposed. At the same time his mind was open to conviction, but unless he could see some reasons very different from any thing that had yet appeared, he did not think that the state of the barony of Clanwilliam, was such as to call for the application in that district of the act which had been referred to. The only ground upon which those magistrates had called for a stronger measure was the quantity of unregistered arms now in the hands of the people. Now, it was a curious circumstance that in these returns, containing, it was true, accounts of many outrages, there were only two connected with the robbery of, or a demand for, arms. The one case was that of a gun which had been stolen, and the other, reported this morning, in which the offenders had already been apprehended. He did not complain of the course pursued by these magistrates; on the contrary, he was well aware that they had acted in a manner which they thought the best calculated to maintain the peace of their own district; but he drew a strong inference from the mode in which they had stated their case. They gave an account of a man having been rescued from the custody of the police, and they state this to have been effected by a considerable mob. Now, it appears (from the constables' own report) that the aggressors numbered about fifteen or twenty persons; a number that could scarcely ever, in the ordinary acceptation of the term be called a considerable mob. These gentlemen then stated that the possession of unregistered arms afforded facilities to these bodies of persons to set the law at defiance, but they did not show that the laws of the land were set at defiance with impunity. On the contrary, there were no less than four or five persons arrested for these offences, and were now in gaol. It was true that many of these outrages were much to be deplored, but as at present advised, he did not see any such peculiar distinction in them as to be induced to apply to this district the provisions of the act to which the noble Earl had referred. He had received a communication that day from Sir Edward Blakeney, informing him that the detachments had been restored to Bansha and the other stations which had been removed during the summer, and he (the Earl of Mulgrave) would, on his part, push the law, to the utmost extent. Then, again, he was confirmed in his views by a letter he had received from Colonel Shaw Kennedy, announcing that two more chief constables and fifty additional sub-constables had been despatched to the barony of Clanwilliam, that Mr. Wilcocks was now also in Tipperary, and he had no doubt that these steps would be sufficient for the suppression of increased crime in that district. The noble Earl had stated that he hesitated to apply for additional power, lest his popularity should be thereby endangered. He had no such consideration; he thought the prompt execution of the law was amply sufficient for the purpose desired, but he had not the slightest hesitation in saying that any statute which he thought could be beneficially applied to Ireland, he should apply it without considering the question of popularity or no popularity.

The Duke of *Wellington* had not intended to have troubled their Lordships on the present occasion, but having considered, after his noble Friend (the Earl of Roden) had announced his intention of bringing this subject under the consideration of the House, it to be his duty to look into, and examine the documents, and those papers having made an impression upon his mind, he now felt himself bound to offer a few observations to their Lordships upon them. The noble Earl opposite (the Earl of Mulgrave) had told the House that the tranquillity mentioned in her Majesty's Speech from the Throne, on opening the present Parliament, was not intended to mean judicial or agrarian tranquillity, but political tranquillity. And what was the sort of political tranquillity existing in Ireland. He believed that a very few days before the Speech in which the word tranquillity was used was delivered, the association which was assembled in the capital of Ireland under the eyes of the noble Earl opposite was dissolved, but at the same time her Majesty was given to understand that she was not to have the choice of her Ministers, but that they must be selected by the gentleman who was the founder and the head of that association. Now to talk of tranquillity, political tranquillity in any part of that country, looking at the situation in which it was placed, was vague and idle. The noble Earl had said that the agrarian disturbances in Ireland were not to be attributed to political agitation. Now, one of the greatest authorities that ever appeared in that or any other country—a noble relation of his (the Marquess of Wellesley), whose opinion had been confirmed by a noble Earl, who at that time sat upon the opposite benches (Earl Grey), and who pronounced the strongest panegyric upon that opinion of his noble relative—namely, that agrarian disturbances in Ireland were to be attributed to political agitation, and to nothing else, as much as effect was to be attributed to cause in any instance whatever. Not only did the noble Earl (Earl Grey) express in strong terms his entire acquiescence in that opinion, but he thought also that a noble and learned Lord opposite (Lord Brougham) who then occupied the woolsack, expressed his approbation of that sentiment. He would say, that in Ireland they had agrarian disturbances because they had political agitation, and, indeed, the noble Earl opposite (the Earl of Mulgrave) over and over again admitted it in his speech to-night; nay, more—the noble Earl had himself clearly proved the fact from the quotations which he had read from some of these reports. But then the noble Earl said, that it had always been so in Ireland. That was most true; it was so when he had the honour to fill the office of chief Secretary to the Lord-Lieutenant, now some thirty years ago; it was also the case at a subsequent period, when a right hon. Friend of his in another place was the chief secretary. He admitted that such was the state of things at both those periods, and that it had continued in a great degree ever since; but what was the difference in the course of the Governments with which he and his right hon. Friend to whom he had alluded were connected, and that of her Majesty's present advisers? Why, they, and the Governments to which they belonged, came down to Parliament, and admitted that there were disturbances. They came down and entreated Parliament to enable them to put them down, but they did not come down and put into the speech of any Sovereign that Ireland was in a state of tranquillity. No, he repeated that they came down, candidly stated the truth, and called upon Parliament to grant them extraordinary powers; powers which, perhaps, Parliament ought not to have given. However, they did not speak of tranquillity as has been done in the Speech from the Throne, in 1836, and in that of the present year. There was the difference in the course of former and the present Governments. Now it would be well for their Lordships to look a little into the state of general tranquillity spoken of in the royal Speech, as shown by the papers which had been laid before the House. On the subject of those papers, he must say, that their Lordships had not been remarkably well treated. There was on the table a Report of the inspectors of prisons, the 15th Report, upon which he should by and by have to say a few words, but there had been laid before the other House of Parliament, and presented there, another report—namely, a return from the clerks of the crown, and the Clerks of the Peace for the several counties of Ireland, of the number of persons committed for different crimes. That Return or Report had not been printed by their Lordships, though it was of a very different nature from the Report of the inspectors of prisons which had been printed and laid upon their Lordships' table. Upon both, however, he should offer a few remarks, and first, with respect to the Report from the inspectors of prisons in Ireland. That Report contained a general statement of the offences committed in Ireland in the year 1836. Now, the noble Earl opposite had gone into a long argument to show the House that there had been an increased number of committals in proportion to the number of offences, and an increased number of convictions in proportion to the commitments. He admitted, and gave the noble Earl every credit for that fact, but he also begged leave to give some credit to the House of Lords for it, and for this reason, that the House of Lords amended the Police Bill, and by it gave the noble Earl an efficient police, by which he was enabled to accomplish that good object—namely, to apprehend more criminals in reference to the quantity of crime, and to convict more of those put into confinement than had been convicted previou to the noble Earl's having the aid of that Police Bill. That was a fact, and the House of Lords were to be congratulated on the result. Now, he would call their Lordships attention to the state of crime in Ireland as it appeared on the face of the inspectors' Reports. He found that in the year 1836, there were committed to prison for offences 23,891 persons. Now, he remembered that year was the first in which "general tranquillity" was made matter of boast in a Speech from the Throne at the end of the Session. He had taken the trouble to look back at the Returns of previous years, and he found a great increase of crime in the very year of tranquillity, 1836, which was specially mentioned in the Speech to that and the other House of Parliament. In that year the number committed for offences was, as he had stated, 23,891 persons. From a similar return made for the year 1835, it appeared that the numbers were 21,265, or 2,000 less than the year of tranquillity. He had gone back to the year 1828, and he found the returns were as follows:—In the year 1828, the number of committals for offences was 14,683; in 1829, 15,271; in 1830, 15,794; in 1831, 16,192; in 1832, 16,002; in 1833, 17,819; in 1834, after the passing of the Coercion Bill, 21,381; in the year 1835, 21,255; and in the year 1836, 23,891. Now that was what was called tranquillity. These returns showed that the number of committals which, in 1828, amounted, as he had stated, to 14,653, had increased, in the course of eight years, up to 23,891, and then Parliament was told that Ireland was in a remarkable state of tranquillity. Now let their Lordships observe what happened in that remarkable year of tranquillity. The noble Earl (Mulgrave) made his tour through Ireland, and crime having thus increased, he thought proper to exercise the royal prerogative of mercy to the extent of pardoning not less than about 1,300 persons. This accounted for the boasts of tranquillity; this it was that led to these painful discussions in their Lordships' House. But there was ot any man who had any property in, or connexion with Ireland, that did not feel there was a total absence of security for life as well as property. The noble Earl had said it was not political agitation. How was it, then, that two Protestant clergymen had been murdered? [The Earl of *Mulgrave*: Not one since I have been in Ireland.] He was sorry if he had been in error on that point, but of this he was certain, that a vast number of Protestant clergymen had been the objects of these very offences. He did not wish, however, to make any distinction as to Protestants, but there could, he repeated, be no doubt whatever that in Ireland there was no security either for property or person; nay, one description of property had been done away with, and no man could say that his life or that his property was secure. It was worth while, he felt, for a few moments longer to detain their Lordships, in order just to state what the offences were, which appeared in 1836 to amount to 23,891. Of that number, 7,769 were offences against the person, and of them 843, that was about two a day, were either cases of murder, of conspiracies to murder, or of manslaughter; they were all cases in which human life had been attacked or risked. Then there were not less than 500 cases of malicious offences against property, of burning, destroying, and attacking property, and there were forty-four robberies of arms. This, he thought, was a pretty large number of serious offences in the year of tranquillity, 1836. This was the account as it stood on the face of the report of the inspectors of prisons; but he had another account, namely a return from the clerks of the Crown and the clerks of the peace of the several counties in Ireland, of the number of persons committed to their respective gaols, and brought to trial in 1836. These returns were signed by the clerks of the Crown and the clerks of the peace; and he believed them to be more correct returns, returns upon which more reliance could be placed, than upon the returns of the inspectors of prisons. This return from the county officers, states the fact, that in 1836, there were 14,000 more criminals in confinement than was stated in the other return. He would read the difference with regard to one most remarkable county—that was Tipperary. In the return made by the inspectors (Return, No. 15,) the total number of committals in Tipperary was stated to be 1,557 persons. Now, look at the returns of the clerks of the peace and of the Crown. First of all, for the gaols of Clonmel, 442; for other gaols in the county of Tipperary, 5,412; these numbers added together would make 5,854. He entreated their Lordships to notice the total difference which appeared between the returns, it being not less than 14,000 to be added to the 23,891, admitted by the return referred to by the noble Lord. The noble Lord had stated, what he was bound to believe, namely, that he performed his high duties in that way in which he conceived he ought to perform them. But he would ask that noble Lord, had he carried the law into execution against persons whom the law had justly condemned? Did he never pardon people who ought to have the law carried into execution upon them? Had there not been some little seeking of popularity besides that which ought to result from the performance of the great duties and judicial functions, for such they were, which he was called on to execute as the highest magistrate in that country? He really thought that the House of Lords was entitled to have these matters satisfactorily explained. They ought to know what was the real state of crime in that country? There ought to be laid before the House the returns, whether they came from the clerks of the peace, or the inspectors of gaols, or from any other quarter, which should contain a clear and accurate account of the real state of crime in Ireland, and they ought to be enabled to know which was really the true and correct return when they were called on to pronounce whether that country was or was not in a state of tranquillity. In the course of former discussions in relation to this subject he had been surprised at the accuracy and minuteness of the police reports which had been laid before the House. There were some in his hands, and on looking at them he found that they were remarkable for the distinctness and minuteness with which they were made. The police report before him stated every offence under its particular denomination, and if details were required, they were to be found at once. The numbers of persons committed or convicted were given under the several heads of—"Homicide—violence to the person—ribbonism—common assault—outrages of an insurrectionary character—attacks made, having intimidation for their object—combinations," &c. A comparative table of the decrease and increase was also given, one month of the current year with the corresponding month of the previous year. On looking, however, to the present returns he found that the offences were divided under such heads as "Bastardy, common assaults, uttering base coin, passing forged notes, intoxication," &c.; but the returns were by no means so clear, and full, and satisfactory as the others. But they ought to be such as to furnish Parliament with information of the real state of Ireland. He believed that if the returns had been honest and correct there would not appear any grounds for believing in the reported agrarian tranquillity. From all the information he had heard, and carrying his inquiries up to the period of the assizes, and even down to the present moment as far as he could, there was certainly no ground for believing that in that important part of Ireland, Tipperary—important in reference to the subject under discussion, or in other parts of the country, there was any decrease of crime since the beginning of the year 1837. By the accounts which he had received, and by others which had been made public, he must say that in that county at least, and in some other parts of Ireland, there was much more disturbance than tranquillity, and that such a word was not applicable to those parts of Ireland at the present moment. The noble Lord had stated in answer to his noble Friend, that he had reinforced the police, and that he had reason to believe the effect would be beneficial. But there was one point which the noble Lord had lost sight of, and that was, that armed bands of men were in the habit of passing through the country unprevented by any magistrate or by any body else. The noble Lord certainly might not be in a condition to prevent such persons going about to commit outrages; but he should not use the word tranquillity while those outrages existed. It was true they had existed before, and they had not been punished; but at the same time those who were then in the Government never used the word tranquillity in reference to such outrages; they acknowledged the fact. That was the first point to which he wished to call the noble Lord's attention; and the next was, to use means to procure and furnish such returns hereafter as would enable Parliament to form a correct and certain opinion upon the real state of crime in Ireland.

The Earl of *Mulgrave* wished to state, in explanation, what he ought to have mentioned before. The returns from the clerks of the peace and the clerks of the Crown were certainly very voluminous, and evidently there was a great discrepancy between them and the others, and it was difficult, perhaps, to ascertain when and to what extent those discrepancies existed. But the examination which the noble Duke had made had proved that the returns of the clerks of the Crown and of the clerks of the peace gave a larger amount of crime than the others. Now it should be understood that very often the same offence was given three times over. For instance, a man might be charged with assault, riot, and rescue, and he would be then set down three times, under the head of the three separate offences. If the prisoner should not happen to be tried until the following assizes, his name would be repeated in the same way, so that, in fact, in some cases the offence was repeated three times, and in others six.

This mode of making out the returns was, he confessed, not a good one; but it had only recently come to his knowledge. With regard to the supply of information, he was most willing, as he had already said, to furnish all the information in his power; and if noble Lords would only point out the way in which he could more clearly state what was not the positive, but the relative, tranquillity of the country, not the political tranquillity merely, but the general tranquillity of the country, he would be happy to do it, so as to assist their Lordships in entering on the consideration of political measures. With regard to the exercise of the prerogative of mercy with which he had been intrusted, he could not at the moment lay his hands on a return which would afford information, of all memorials subsequent to the last return, but he intended to lay it on the table of the House. However, he would say in round numbers, that out of 800 memorials which had been examined by him, about one-half had been decided unfavourable to the prisoner after reference to the judge or without it, and only 100 in favour of the prisoner without reference to the judge, but on the authority of medical and other certificates. There was only one class of prisoners towards whom leniency had been shown in a sort of wholesale way and without such certificate. He alluded to those persons who had been convicted of joining in Orange processions, the last month of whose imprisonment he had remitted, on their renewed assurance that they would not so offend again.

Viscount *Melbourne* was very sorry that the word tranquillity had given so much disturbance to the noble Duke, who appeared extremely tetchy and hurt in his feelings about this subject. He was sure he had done everything in his power, both in speaking and writing, to guard against anything that would hurt the feelings of the noble Duke. The noble Duke had found fault with the royal speech, and said, "You put into your speech what you ought not to put into it." And in the next place, said the noble Duke, "You don't understand Throne speeches; you don't know what you mean yourselves, and what you have put into the speech is not what you mean." The noble Duke had said, "You apply the words, 'domestic tranquillity,' to the whole empire, but you don't mean that. What you mean is the absence of the diminution of agrarian outrages, or, as it is called otherwise, predial 'crime in Ireland.'" But as far as he knew anything of the meaning of that speech, it was not intended to apply to Ireland any more than as Ireland was a part of the whole empire, and he would put it fairly and distinctly to the common sense of the House whether the present state of the British empire was not such as to justify the application to it of the words domestic tranquillity." If not, he believed they would never be able to use those words. If they were to wait until there was no crime, or until there was a very considerable diminution of crime on the face of those returns, he feared they never would be in a condition to use the words "domestic tranquillity." What he meant was, that there were none of those political symptoms which characterised the state of Ireland five or six years ago, and that there was no apprehension of a breach of the public peace; and in that respect, the Government was justified in employing the words, and in voting them in the address in answer to the Speech from the throne. If there was anything offensive in them, he would take care to avoid giving such offence in future. But really it was very difficult to draw up a Speech for the Throne. One person would say, "It says nothing," another, "It says too much, and you are very imprudent." In fact, if they were to be condemned as having been imprudent, and as having gone too far in putting the words "domestic tranquillity" into the Speech on the present state of the country, it was impossible for them or any other Ministers that might come after them to use them, or to draw up a Speech, or to be able to advise her Majesty to say anything whatsoever. Now the noble Duke had said, "You mean agrarian disturbances, which entirely proceed from political agitation;" and the noble Duke proceeded to quote upon that point an authority which was always to be considered as a very high one, but in the present instance it had acquired an extraordinary influence over the noble Duke. He did not know whether that authority had always been as important and valid to the noble Duke, but in this case it appeared to be quite oracular. Now, it was admitted that agrarian disturbances were not of recent date. They were as old as the year 1760. He had once before traced them in a Speech delivered in that House, to which the noble

Duke had replied, to a date as far back as that: and, undoubtedly, agrarian outrages prevailed in Ireland long before there was any political agitation of the kind which had recently existed. But the noble Duke said, that when the existence of those outrages was admitted, the Government of the day came down to the House, and asked for extraordinary powers to put them down. Did the noble Duke, and the noble Lord behind him, mean to say that the state of Ireland at present was such as to justify the demand for extraordinary powers? Did the noble Duke consider that it was the duty of the Government to demand extraordinary powers on the present occasion, and under existing circumstances? He dared say that the account given by the noble Lord of the state of Tipperary was a very correct one. He knew that it was in a similar condition when he went to Ireland ten years ago. The first thing that he had to notice was, that certain noble Lords connected with Tipperary were constantly coming to him and making exactly the same statements. The noble Lord was not amongst them, he was at that time a Member for the county, and he was not so susceptible to feelings of alarm on the subject as he was now. The noble Duke had said that armed bands were in the habit of passing through every part of the country, and that it was impossible to restrain them and put them down, except by strong measures. Why, strong measures had been already demanded and given, but what had been the result? The Arms' Act itself had proved quite fruitless; and he did not believe it possible to frame laws which could effectually get the arms out of the hands of the people. He had formerly voted for extraordinary measures, and he did not conceive that they deserved the characteristics of tyranny and injustice which had been attributed to them; but this he did think of such extraordinary measures, that they did not give a Government any strength; for the odium and obloquy which they inevitably brought on the Government weakened it instead of conferring strength upon it. That was the reason—without binding himself to every occasion which might arise—that was the reason why he should be at present against the adoption of any extraordinary measures. There must be circumstances much more trying than the present to induce him to demand such powers. It was not his intention to go into the returns which were laid on the table, and he thought the deductions which had been drawn from them by his noble Friend were extremely satisfactory. At the same time it must be seen that deductions drawn from contrasting the numbers of crimes committed in one year with the numbers of another year must be subject to a great deal of discrimination before they could be considered satisfactory authority; for not only might the crimes be different in their nature and character, but the circumstances under which a certain number of crimes were committed in one period might make them outweigh in atrocity and malignity a far greater number of crimes committed in another period of equal duration and coming under a different legal description. Such a contrast, then, could not lead to any very satisfactory conclusion. If the increase of crimes was very great, and the number committed was very large, that might form ground for observation and inquiry, but the statements must always be considered in connexion with the circumstances under which the crimes were committed. The noble Earl who brought the subject forward had, in the conclusion of his speech which he addressed to the House, appealed to him and to his noble Friend, and he must say, that he was perfectly ready to answer to that appeal. The noble Lord requested his noble Friend to use the powers intrusted to him for the maintenance of the public tranquillity; and, also, not to appoint persons to offices who, by their principles, would be incapacitated from performing the duties of those offices. Now, he would take upon himself to say, that the course which his noble Friend would consider it his duty to pursue, and the noble Lord ought to acquiesce in the propriety of it, was not to consider what might be, or might not be, the opinions of persons appointed to any offices, but what was their conduct, and the manner in which they discharged the duties of the situation in which they were placed. One observation the noble Duke might have spared—that was, when he asked his noble Friend whether there had not been some seeking—some unworthy seeking—of popularity in the manner in which he had exercised the great duty and prerogative of mercy intrusted to his hands. If the noble Duke thought that there was any case to justify the accusation, if there were any grounds for it, he did not deny that it would be the duty of the noble Duke to call the attention of the House to it. But it was very difficult ground to take, and the noble Duke ought to possess himself of some reason for making such an observation, before he proceeded to cast such an imputation on so high an officer as his noble Friend, to whom the administration of the law and the exercise of the prerogative of mercy were intrusted. The noble Lord, in addressing himself to him (Viscount Melbourne) told him that he was in possession of great power, and appealed to him to use that power in the way he recommended. As to the great power which the noble Lord had attributed to him, he must certainly say, that if he possessed any, it was not in that House. Could he ever become intoxicated with such a thought, one glance around the benches of that House would be quite sufficient to dissipate the dream, and be a complete remedy for the intoxication. The noble Lord had also adverted to some expressions which fell from him about three years ago, he meant the phrase, "a heavy blow and a great discouragement to Protestantism." Those words had been quoted and used by persons of all ranks and situations; by a right rev. Prelate whom he did not then see in the House, in a charge which he delivered to the clergy of his diocese, by Sir Robert Peel in that great booth which sprang up so suddenly in Glasgow to the great astonishment of every body; by his right hon. Friend, the late Member for Cumberland, who at present had not a seat in the other House; and as he had heard, during the vacation, by several noble Lords sitting on the other side of the House. But of all the persons who had alluded to that unfortunate expression, neither Bishops, nor Ministers, nor Ex-ministers, nor noble Lords, nor Members of Parliament, not one had quoted the passage correctly, and that he must say was not fair. Men might fairly enough make allusions to an expression which dropped from the mouth of a person in his situation, but when so much was made of it, when so heavy a charge was grounded upon it, he thought it but fair that the expression itself should be honestly quoted. There were no productions to which he referred with less pleasure than his own speeches, but he was compelled to do so on the present occasion. He had used the following language:—

> "At the same time, my Lords, that I propose this measure, I am fully aware of the effects which it will produce, and of the objections which may be urged against it. I am deeply sensible and much concerned at the impression which I feel it will make. I cannot conceal from myself that it will be in the first instance, and for a certain time"—

Here was the qualification of which he ought to have had the benefit before all the tribunals before which he had been cited—

> "A heavy blow and a great discouragement to Protestantism in Ireland; that it will be also a great triumph to the adverse party. I am well aware that it is not the same thing to destroy as never to have constituted; to demolish as never to have built up; but this evil, which I trust will be but temporary, is forced upon me by the untoward circumstances which I have already described. I cannot avoid it, and that which I cannot avoid I must submit to with as much patience as I can command, and temper with as much remedy and alteration as it is in my power to administer."*

That was the passage, and to misquote it was not fair. In the next place, though the words were not the best which he could have used, it was evident that he was making a distinction between the immediate effects of the measure and its ultimate results; and endeavouring to show that, although immediately it would be as a heavy blow against the Protestant religion, ultimately it would be advantageous to the Protestant faith and religion. That was the view which he had intended to advance; and he had only to ask, that whenever any persons should bring forward the expression again they would do him the favour to read the whole passage, and not take the words "heavy blow and great discouragement to Protestantism in Ireland" again, without the qualification and modification with which they were accompanied in his speech. It was with great concern that he saw the noble Lord, holding such principles and such a position in Ireland as he did, coming forward to declare that he entertained such feelings of alarm with respect to the present state of Ireland. But if there were any truth in his views, if they were not totally erroneous, he should feel much more deeply concerned. He trusted also that the noble Lord's views with regard to the future were not correct and just, and that a far better state of things was to be expected in Ireland. He was sure that his noble Friend, while at the head of the Government of that country, would do his utmost to administer impartial justice, and obtain security of life and property for all her Majesty's subjects in that country.

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* Hansard (Third Series), vol. xxx. p. 727.

Lord *Brougham* wished to say a few words in consequence of what had fallen from the noble Duke, in reference to an opinion which that noble Duke had attributed to him. His recollection of the matter did not coincide with that of the noble Duke. He did not recollect having said, or admitted, that predial or agrarian outrage must always be attributed to political agitation. He never had said so. He could not possibly have said so, because he never could have thought so. The noble Duke was perfectly justified in reminding him of having given his support to the Coercion Bill. That measure he did support, and he stated the ground on which he supported it to be simply this, that the duties of protection and allegiance were reciprocal, and that Government had no right to call on the people for allegiance, if they were not prepared to afford them protection in return. That was his language at the time, and it did not express his opinion more clearly then than now; for if the same circumstances were to recur, he should be prepared to pursue the same course again. He had no desire whatever to withdraw from his support of that measure at the time, and in the circumstances which forcibly compelled him unwillingly to adopt it. The noble Duke had stated the authority of a noble relation, a late Lord-Lieutenant of Ireland, cited from a despatch he believed of that illustrious, enlightened, and upright statesman, who was both an ornament to his rank and to his country, whose liberal policy was amongst the greatest blessings ever conferred on Ireland, and whose absence from that House he most sincerely regretted on every account save one, that it enabled him to express what all others felt. But even after admitting all this he could not bow to the opinion attributed to that illustrious statesman by his noble relation. He more than doubted the accuracy of the noble Duke's recollection on this point. His noble relation might have said that political agitation was in some circumstances, or at some time, productive of predial outrage. That he would not deny. He believed such was the case at the beginning of the year 1833, or about the end of 1832; but that they were always inseparably connected, he held it impossible that the eminent person in question could ever have said in the sense described by the noble Duke. He would frankly avow his opinion that much of the pacification which had taken place in Ireland was owing to the Coercion Bill, which paved the way for all that had ensued to pacify Ireland. He would never deny having given his consent and support to that measure; but it was extorted from him by the cruel necessity of the case; it was wrung from him at the expense of most painful feelings, by the most heartfelt anxiety for the welfare of Ireland, and for the safety of the constitution of the country. But in proportion as he bitterly lamented the necessity, so did he rejoice to take the earliest opportunity of putting an end to an Act which had been forced from him, and which weighed down and tormented his mind every hour of its duration. His noble Friend near him (Lord Melbourne) never shrunk from the responsibility of that measure. Ill-advised and indiscreet friends had represented that he stood in a different position in regard to it from his Colleagues, and took occasion to draw distinctions between the Government of Lord Grey and the Government of his noble Friend, as if the present Ministers were incapable of originating such an Act as that of 1833; in other words, that the noble Viscount was utterly incapable of doing the very same thing which he had himself done in the very same year; for the Coercion Act came from his own department, and he was primarily, and above any one, responsible for it. So much for the skill of such advocates; so much for the friendly aid of such pernicious allies—*pessimum inimicorum genus laudatores.* But he agreed with the opinion which his noble Friend had that night expressed, and went along with him in the statement that such measures were deeply to be deplored, not on their own account only, but on account also of the necessity which gave occasion for them and the rankling feeling they were sure to cause. But although he had expressed that opinion, he must add, that experience had shown how cautious statesmen ought to be before they yielded to that necessity. Before men listened to arguments in favour of such measures, drawn from the necessity of the case, they should remember, that although they might give a moment's strength, that strength was unwholesome, because it was unconstitutional; and the time would speedily come when, if they reckoned the cost, they would find that they had lost more than they had gained. He would not follow the noble Duke into all the details into which he had gone. The noble Duke had stated that the number of crimes in the year before the passing of the Coercion Bill was 17,000, and he had informed their Lordships, that that number had increased to 21,381 in the year immediately following the passing of that Act; and this might seem to disprove the efficacy of the measure. But, notwithstanding the able and argumentative speech which the noble Duke had delivered, and the facts and statements into which he had entered, he could not help saying, that it was not pursuing the most advisable course to pursue, to compare only one year with the next, because much depended on the nature and character of the crimes committed, as well as on the number of those crimes, and one year might be better than another, although at first sight it might look much worse. The noble Duke complained, also, of the discrepancies betwixt the reports which had been laid on the table, and stated a difference between the true returns in a single year of 14,000 crimes. But it turned out that under the Government of his noble Friend, they were to read every 500 only as 100. The way it seemed was to multiply one to five or six, because in many instances, the names of persons accused of a crime consisting of various parts as assault, battery, and false imprisonment, were repeated in some of those reports, while in others they were only inserted once. But what had all this debate arisen from? Two words in her Majesty's most gracious Speech from the Throne, and those words were, "domestic tranquillity;" those two words had given rise to the debate, and caused those grave charges to be made which their Lordships had listened to. But these royal speeches were purposely vague. He had heard it said, that the great object of the composers was to put the smallest quantity of meaning into the greatest quantity of words; a somewhat hypercritical remark; though he believed it might be said that the object was to seem to say as much, and really to say as little, as possible, and to follow the old gardener's motto, of "look at everything and touch nothing." They were intended to touch a certain quantity of subjects, but in such a manner as to shrink away from them as soon as they were handled. He would, however, put it to the candour of the noble Duke, whether it was proper to hang so weighty an argument, so grave a statement as he had made on these two words, of a composition purposely intended to be vague. But his noble Friend (Lord Melbourne) had said, that by those two words, he meant nothing about Ireland more than the Isle of Wight, or the Isle of Man; but simply alluded to the general tranquillity of the empire. If, however, the state of Ireland in 1832 was compared with the state of England in 1830, when the noble Duke left the Government to them, the words "domestic tranquillity" might not be so inappropriate. It was impossible for him to go through the facts and details which the noble Earl (Roden) had given, as he was not sufficiently acquainted with the cases which had been brought forward; but the noble Earl must see that the four instances of outrage which he had adduced, were not sufficient to establish his position; for as long as men continued what they were there never could be any difficulty, in any country, inhabited by so many millions, of producing as many instances of outrage. He believed every person, who had listened to the noble Lord, had sympathised deeply in the cases of the unfortunate individuals he had alluded to, and that there was no difference of opinion as to those deplorable events. He would confine himself, however, to one of the cases which the noble Earl had brought forward. The noble Earl had quoted a speech delivered by Mr. O'Connell, in which it was stated, that combination and disturbance were spreading in Ireland; but that he (Mr. O'Connell) had put a stop to it. How? By a new Coercion Act? No—By an army? No—By a fresh police force? Nothing of the kind but by a speech. He was willing to allow the force of a good speech, but he could not believe that the tumults and disturbances could be very formidable which a single passage in any speech could put down. The noble Earl opposite

(Lord Donoughmore) had allowed that his (Lord Brougham's) noble Friend had done everything in his power to enforce the common law of the land—that he had been lavish of the power confided to him,—that he had sent constables to the disturbed districts,—had commissioned magistrates—in short, that all had been done by his noble Friend which man could do to enforce the common law of the land. But if these means were unavailing, why not put in force the statute law? That also had been done, but still it was said crime continued to increase, notwithstanding this reinforcement of the common law. After these statements, he (Lord Brougham) then expected the noble Earl opposite would retreat to his third parallel and ask, why not put the Coercion Bill in force? And accordingly he stated, that eighteen magistrates had requested his noble Friend to put that law in force. But he could tell the noble Lord, that that Act would be as ineffectual as the common law and the statute law had been; and if ever his noble Friend was again called upon to put that law in execution, he hoped that his answer would be, that it was useless. But what the noble Lord opposite mainly insisted on was the necessity of arming the executive with new laws. He understood what he meant, he meant an Arms Bill—a measure of all others the most odious to the country, and the very name of which most deeply wounded the hearts of the Irish people. Let them do what they would; but let them not pass an Arms Bill nor any such harsh and hateful measure. He said so for two reasons;—first, because even if it did good for the present, the re-action which would inevitably take place would be productive of consequences destructive of all the good which it might for a moment effect; it would ultimately make things worse than they were; and in the second place, because it would, in his opinion, be attended with no beneficial effect; and he questioned whether they would get one stand of arms out of Tipperary as the fruit of an Arms Bill. He had considered Arms Bills for different countries, and he was persuaded if such a measure were passed for Ireland, that it would be productive of every species of discontent, and that it would plant hatred where love and respect alone ought to be fostered. If such a measure were passed, when they came to reckon up the cost they would find that while it would prove to have been ineffectual, it would be found to have created amongst the people discontent and hatred in their most exasperated forms. He hoped and trusted that no such advice would be followed. He had no fears for his noble Friend, for he was persuaded that he would conduct his Government in future as he had hitherto done, and that his policy would continue as creditable to himself as beneficial to Ireland. His noble Friend had been accused of bestowing his patronage on improper persons, but he had said, that while he would not be governed by any man he would proscribe no man. He would do justice to all men, and shut the door of promotion upon none. His noble Friend, and those with whom he acted, for his noble Friend acted under the Ministers, who were responsible for his Government, although he was the representative of the Queen, and although he (Lord Brougham) had of late heard more of kings and queens, especially from his Whig Friend, than he had ever done before in all his life, yet they knew nobody in Parliament but the Ministers who were accountable to Parliament for the Government of the country; and he would say, that his noble Friend and the Ministers would not act in a spirit of fairness if they refused a share of their patronage to Roman Catholics, or members of associations, simply because they were members of the Roman Catholic church, or of those associations. It ought not to be any reason with the Government, it ought not to influence their conduct in the distribution of their patronage, that men were members of that church, nor should the fact that individuals were members of those associations be a cause either for their promotion, or for withholding patronage from them. They ought to disregard such distinctions, to be actuated by no personal or sectarian, or factious views, but to discharge their duties without favour or partiality for any body of men, or any prejudice against any body. It would have been well for the country if this principle had always been followed; if the Catholic Emancipation Act had not been made a dead letter, and if none had been excluded from, office because they were Catholics, or because they belonged to any one persuasion rather than another. Lord Wellesley and Lord Anglesey had seen the wisdom of this course and had pursued it. They saw that Catholics ought not merely to be made eligible, but to be selected, when fit, for office. These were his opinions, and he could not, after what had been said, have allowed that opportunity to pass without expressing them.

The Duke of *Wellington* said, that as the noble Lord who had just sat down had questioned the accuracy of a quotation which he (the Duke of Wellington) had made from a despatch of a noble relative, he would read the passage. The noble Duke then read the passage, which was in substance as follows:—"I cannot sufficiently express my solicitude as to the intimate connexion between the system of agitation and its inevitable consequences —violence and outrage. They are always to each other as cause and effect, and I cannot separate the one from the other."

Lord *Brougham* said, that was exactly what he meant—that that illustrious person connected the political agitation then existing with the existing agrarian outrage, and the noble Duke had said such was the case still, as if the two were always inseparable. It was that position which he had combated.

The Duke of *Wellington:* What I said was, that agrarian outrage was the effect of political agitation.

Lord *Brougham:* But there is no political agitation now.

The Duke of *Wellington*: There was, though, last year.

The Earl of *Roden* could assure the noble Earl (Mulgrave) that no tenants could be more attached to their landlords than the tenants of Ireland, and therefore if the amount of outrage were great, it was not produced by ill feelings existing between the owners and occupiers of the soil. Before making any further remarks on the subject in debate, he could not help saying that he thought the noble Earl had not dealt fairly with him when he had quoted an expression which he (Lord Roden) was reported to have used at a dinner table. Before having done so the noble Earl might have asked whether he had used the words which had been quoted. He felt as strongly as any man what were his failings, but should be sorry, at any time, to take advantage of any individual, or complain of any one, without cause. The noble Earl had in the course of his address spoken of a gentleman as being an itinerant orator. He begged to assure their Lordships that the gentleman so alluded to was of the highest respectability, and that the application of such terms to him was by no means warrantable. He agreed with the noble and learned Lord who had just spoken, that after the passing of the Roman Catholic Emancipation Bill, it was right that all persons, whatever their religious persuasions, should be placed upon an equal footing with regard to the Government patronage; and he only wished the present Administration had acted on that principle. But what had been their course? They had appointed to office members of the Catholic Association, while they had turned out of office individuals belonging a loyal association—he meant the Orange Association, which was not contrary to law. He believed that the debate which had taken place would be the means of opening the eyes of many persons to the real state of Ireland. No one would be more pleased than himself to find that the conclusions at which he had arrived were erroneous, but he was confident that the case he should be able to lay before the House on the production of the papers he had moved for would warrant him in calling on their Lordships to appoint a Committee to inquire into a state of things by which he believed the best interests of the country to be endangered.

The Earl of *Mulgrave* said, that he would offer only one observation to the House in allusion to what had fallen from the noble Lord and the noble Earl who had last spoken. He had himself of his own accord appointed several deputy lieutenants of counties and several other persons to situations as soon as they had ceased to be open to the objections which had been pointed out. No such reasons, however, as had been suggested had ever induced him to appoint any individual to an office, or to refuse his appointment.

The return of the papers moved for by the Earl of Roden was ordered.

HOUSE OF COMMONS,

Monday, November 27, 1837.

MINUTES.] Bills. Read a first time:—Commissions of the Peace; Oaths and Declarations of Municipal Corporations Officers.

Petitions presented. By Mr. J. GIBSON, from Belfast, relating to Spirit Licences; from the same place, for allowing Presbyterian Clergymen to make oaths after their own fashion.—By Mr. Pease, from the Baptist Missionaries of Jamaica, for the entire abolition of Slavery.—By Mr.

Wakley, from a number of Medical men, against the administration of the Medical Department under the Poor-Law Commissioners.—By Mr. Brotherton, from Salford, for a National system of Education.—By Mr. Hodges, from Rochester, against the decisions of the revising Barristers.—By Mr. E. Buller, from three Dissenting Congregations in Staffordshire, against Church-rates.—By Sir R. Inglis, from Cheltenham, for a National system of Education founded upon Christianity.

Election Committees.] Lord *John Russell* wished to take that opportunity of stating to the House that he understood that doubts had occurred—although he did not think that they were reasonable and just doubts—as to the propriety and legality of the course that had been taken at the last sitting respecting the petitions that had been presented complaining of undue returns of Members at the late election. It was required by the Act that in certain cases within five days of the appointment of a Committee to try the merits of a contested election the parties should be mutually furnished with a list of the voters objected to on each side; but this period was lengthened five days in the case of county elections in England, and elections in Scotland. The clause in the Act went on to say, that the lists of objections, &c., should be exchanged so many days before the sitting of the Committee, but if the House should previously postpone the appointment of the Committee, that the time of exchanging the lists should also be postponed. He did not think that any fair doubts could arise or be entertained as to what took place the other evening on the subject of the postponement of the nomination of the Election Committees until after the vacation. He was told, however, that there were persons of authority who thought that there was a doubt on the subject, and that, as the Election Committees now stood fixed for the twelfth of December, two days before that time the parties interested in English county elections and Scotch elections where petitions had been presented, would feel themselves obliged to give in their lists. He stated this to the House, not that he entertained any doubt himself, but in the hope that the point would not be overlooked. If there was thought to be any ground of doubt in the opinion of the House, or in the mind of any hon. Member, he would endeavour to remove it by moving to-morrow, or next day, that the House would not take into its consideration any election petition until after the vacation. He did not wish, however, to take up the time of the House on the subject unless it appeared to hon. Members there were now great doubts on the subject. But looking to the words of the clause, which it was not necessary for him to quote, he thought that there could be no reasonable doubt entertained on the subject.

Controverted Elections.] Mr. C. Buller moved the Order of the Day for the second reading of the Controverted Elections Bill.

Lord *Stanley* could assure the hon. Gentleman that it was with no hostility to the object he had in view, or to the mode in which he proposed to effect it, that he rose to suggest to him, after the course which had been taken by the House, the absolute necessity of postponing the second reading of this Bill. The House would recollect that, on the same day on which he obtained leave to introduce a Bill for the correction of the law respecting controverted elections, another hon. Gentleman (the Member for Dublin) also had permission granted him to bring in a Bill having precisely the same object, but proposing to obtain it by a course as different as possible from that of the hon. Member for Liskeard. Before going further into the question, he would put it to the hon. Member for Liskeard whether this circumstance was not in itself sufficient to induce him to postpone the second reading of his Bill? If the hon. Member persisted, he should deem it his duty to make a few further remarks on the subject.

Mr. *C. Buller* intimated his intention of proceeding with the Bill.

Lord *Stanley*, under such circumstances, felt bound to address to the House some further observations on the subject. He had just pointed out to the recollection of the House, that the hon. and learned Member for Dublin had obtained leave to bring in a Bill similar in its object with that of the hon. Member for Liskeard, but distinctly different in its mode of procedure. Such being the state of things, it was obvious that the House, before it came to the consideration of either of these measures, must be desirous of having both placed clearly before them, in order to see which of them was the best, in order to judge which of them should be accepted, or whether both should be rejected. The adoption of both was of course out of the question. The hon. Member for Liskeard was, therefore, most unreasonable when he insisted on the House adopting his plan in preference to the other which the hon. and learned Member for Dublin had permission to introduce, when the House had not heard any of the details of the latter measure, and when, indeed, the House knew nothing of it, further than that it proceeded on principles diametrically opposed to that of the hon. Member for Liskeard. If the House were to assent to the second reading of the present Bill, in what possible manner could they proceed to discuss the principles of the Bill proposed by the hon. and learned Member for Dublin. He (Lord Stanley) did not wish to be understood as saying that he did not prefer the Bill of the hon. Member, as far as it went, to that which the hon. and learned Member for Dublin had given an outline of; but he thought that as these Bills, with the same object, were so entirely different in their principle, justice and common sense, demanded that the House should have the details of both measures distinctly before them before they adopted either in preference to the other. The hon. Member, it appeared, proposed to make some slight alteration in the mode of appointing Election Committees, on the ground that these, as now constituted, formed a very partial tribunal—as consisting, in all cases, of parties highly interested in the result. The hon. and learned Member for Dublin also stated that, being persons selected from the body of the House, the Members of Election Committees must be considered as interested parties, and, therefore, not fit judges of the merits of the respective cases; and the hon. and learned Member, therefore, proposed to take the jurisdiction in controverted elections entirely out of the House, and refer it to a tribunal independent of the House—to a court of law, where all the points of law should be decided on. Now, he saw very great objections to taking the decision on questions of Parliamentary law out of the control of the House, and referring it to another tribunal; but at the same time he felt bound to point out to the House that, having given permission to the hon. and learned Member to introduce his Bill, they were bound to hear what that hon. and learned Gentleman had to urge in support of his proposition. The objection advanced by the hon. and learned Gentleman to the Bill of the hon. Member for Liskeard was one that carried with it great weight. If an Election Committee, as at present constituted, was so fundamentally and grossly partial a tribunal that no election petition could be, with any expectation of unbiassed justice, referred to it, then it might with safety be asserted that the Bill of the hon. Member for Liskeard afforded no remedy or palliation of the evil whatsoever. He would repeat that he was actuated by no hostility to the hon. Member's bill, and he was acting entirely without any communication with any hon. Member on either side of the House; but he considered that common sense suggested to them the postponement of this bill for a time, in order that they might be enabled thoroughly to weigh the two plans; and in order that the younger Members of the House might have time to become acquainted with the present system, and whatever inconveniences might exist in it, and thus be better able to judge which of the proposed remedies was the best. In reference to the postponement in point of time, had it been the hon. Gentleman's intention to apply the principles of his bill to election petitions now pending, there might have appeared much stronger grounds for his not postponing the bill; but it appeared that such was not the case, for the bill as printed, expressly provided that it was not to come into operation till the last day of the present Session of Parliament. It being thus admitted that the bill had no reference to pending petitions, the hon. Member had all the time before him till August [to have it fully considered, and it could therefore be no possible harm to the bill if its second reading were postponed till, say some time in February. He would take the opportunity of these Bills being under discussion to say that he by no means joined in the full extent of abuse which had been poured on Election committees, as at present constituted. He would by no means go the length of saying that it was impossible to constitute a tribunal out of the Members of that House which should be otherwise than so corrupt and so forgetful of the obligations imposed on them by a sense of honour, and the force of their oath, as that matters of fact and evidence could not safely be intrusted to their verdict, however constituted, but that they would inevitably give a false verdict, for the purpose of securing political and party objects. The House in considering this question should distinguish a little between that gross corruption which would give a false verdict upon facts for party and political objects, and that natural and unavoidable bias which influenced the most honest men when certain questions were submitted to their consideration. His own conviction was, that the fault was not so much in the construction of election tribunals as in the subject matter brought before them. He believed that the fault was, not that Members could not be trusted to give a fair and honourable verdict on matters of fact, but that the points brought before Election Committees were more or less nice points of law, and controverted points, on which much had to be said on both sides; these points being of trifling or no importance except in the particular case, yet very often of such vast importance in the particular case as to weigh very considerably with even the purest-minded members of Committees in giving their judgment upon it, some one way, some another, in reference only to the immediate case before them, and with the knowledge of the bearing their decision would have on the political interests for which they were respectively concerned. It was, therefore, not so much the corruption of the tribunal, but the uncertainty of the law, which had to be provided against. If they wished to begin at the right end—if they wished, as he believed all did, to promote the cause of abstract justice—they must commence by altering the duties of Election Committees. In the first place—and this was part of the hon. Member's bill, and a most desirable feature in it—they must appoint some tribunal to which reference should be made on disputed points arising before the revising barrister, having first established authorities by which all conflicting points of law should be decided generally, and which should guide and control all future Election Committees. As the law now stood, not only was it uncertain how any given Committee might decide upon a new point, but even upon many old points the decisions of different Committees were so various, that it was impossible to say which precedent out of the many would be adopted. Therefore it was, that it became essential to have a paramount authority which should declare the law generally, without reference to any particular case. It was his opinion that if a Committee of barristers of experience and standing were appointed to sit permanently as a court of appeal from the revising barristers, in a very few years all the cases which could arise out of the construction of the Reform Act would be settled. If the House would permit him, he would, without any party feeling whatever throw out a suggestion for its consideration and that of the hon. Member for Liskeard, namely, whether it might not be practicable to appoint a Committee consisting of the Members of the greatest eminence on both sides of the House, to whose opinion the House and the country would defer with confidence, and to whom it should be intrusted to examine all the points on which former Committees had come to conflicting decisions. That this Committee should lay down, as far as possible, general rules of practice and law, to be afterwards affirmed by a declaratory act, and to serve as a definite guide for all future Committees. Should it happen, indeed, that the Members of such a Committee were nicely balanced as to their opinions in politics, and, in consequence of their party views, took opposite views of the various propositions which would be brought forward, there might be some difficulty in passing through the Legislature any declaratory act founded on the report of such a Committee; but looking to the immense importance of the case, the absolute necessity acknowledged of establishing fixed rules for the decision of these questions, he felt assured that it would be practicable to produce such an unanimity in the decisions of a Committee fairly chosen from both sides of the House as it would have its weight in inducing the Legislature to pass a declaratory act founded on those decisions. He had ventured to throw out this suggestion entirely of his own feeling; he had consulted no other Member of the House on the subject; but he was quite confident that if the House wanted to obtain a legitimate authority for the decisions of its election committees, if they wished to secure an impartial tribunal, they would not obtain their end by any alteration in the manner in which Committees were now ballotted for, or by arranging whether the number on each Committee should be five or eleven. Their only efficient course would be to make the law so clear and so definite as that the duties of a Committee should be confined to the reception and examination of evidence, and should have to give a verdict on the facts simply, and not a declaration of the law. If this end were once attained, it would be a matter of very little importance whether the Members of Committees were chosen from one side of the House or from the other. He had hoped that the hon. Member for Liskeard would not have objected to postpone this Bill till February; but, in order to take the sense of the House upon the question, he should conclude with moving, as an amendment, that the Bill be read a second time on the 12th of February.

Mr. *Charles Buller* said, that he was always ready to accede to the declared wish of the House, or even to that of a large portion of the House; but he did not perceive that the noble Lord had adduced any sufficient reason, on the mere point of time, to impress upon the House a conviction that the 12th of February would be a better day for the second reading of the Bill than the present occasion. It appeared to him most desirable, that the principles of the Bill should be discussed as speedily as possible; for, although the Bill might not come into operation till the end of the Session, yet it was highly important that at the earliest possible period the public should have a guarantee that a system was not to be longer pursued which had been clearly proved to be dishonourable to the House and obstructive to justice. The noble Lord had put his amendment on the ground that the hon. and learned Member for Dublin had leave to introduce a Bill with a peculiar object, which the House was entitled to have, in a detailed shape on the table, before they decided as to either. All he (Mr. Buller) could say in reply, was, that if the noble Lord, who was, doubtless, well acquainted with the intentions of the hon. and learned Member for Dublin, or if any other hon. Member would take upon himself to guarantee to the House that the Bill of that hon. and learned Gentleman was forthcoming now, or would be forthcoming within a reasonable time, or that in fact the hon. and learned Gentleman meant that it should be forthcoming at all, he would acquiesce in the noble Lord's wish, that the present Bill should be postponed. He must, however, require a sufficient guarantee that the hon. and learned Member's Bill was in preparation; but he doubted whether the noble Lord could satisfy the House that one word of the Bill was written, or had been even thought of. He did not, for his own part, believe, nor could any man in his senses for a moment imagine, that there was the slightest intention on the part of the hon. and learned Gentleman of proceeding with the Bill in question. If anybody else, however, believed that the hon. and learned Gentleman's Bill was so far ready, that the House would be able to discuss the two together—if anybody really thought the hon. and learned Member's Bill would be worth a serious discussion—he would assent to wait, and have the two Bills placed together before the House; but he thought it rather too much to ask him to put off a Bill which he had printed, and which had received the sanction of a Committee of the House, for the purpose of waiting till the hon. and learned Member should have leisure and inclination to draw out a Bill which he (Mr. Buller) considered as not only uncreated, but as inconceivable and inconceived. The noble Lord said, he looked upon the fault as lying, not in the tribunal but in the law, which it had to administer. Now, he (Mr. Buller) could not quite agree with the noble Lord on this point. Of course all persons had certain prejudices in favour of their own character, and consequently the noble Lord had better ground to stand on with the present audience, when he expressed the opinion that Members of Committees would decide fairly and justly if they had only a good law to administer, than he (Mr. Buller) had when he stated an opinion that no small defect was in the composition of the committees themselves. He did not mean to say that the House of Commons was composed of men who were worse than the class of their countrymen from whom jurors were selected, or that they themselves would not make very trustworthy jurors. But what he meant to say was, that the mode in which members of Election Committees were selected rendered it next to impossible to expect justice in their decisions. Their full impression in almost all cases was not that they had justice to administer, but party and political objects to work for. He might observe, that some wonderful change seemed to have come over hon. Gentlemen in their self-estimation. When last he set forth the evils of the present system, there was no point on which he met with more general assent from the House than the dishonesty and incompetency which he charged against the present tribunal. He himself had, however, found no reason to change his opinion on this point; nor had the public come to a different view of the matter. None of the parties who came before the Election Committees had that confidence in their honour; quite the contrary: every body said that an election committee of the House of Commons was the last tribunal where a man could expect justice. The manner in which the newspapers discussed the pending election questions fully bore out what he said. In one of the Dublin papers people were urged to subscribe in support of petitions against Liberal Irish members, on the ground that if the petitions produced no other good effect, they would bring down the ministerial majority to a level with the opposition, if not reduce them to a minority, and so give the Conservatives an advantage in election ballots; nor were the ministerial papers any better, for he had seen in one of them only the other morning a castigation of Mr. Martin, of Galway for pairing off with Mr. Cooper, who it was set forth, was disqualified from serving on an election committee in consequence of having subscribed to the fund in question. "Pairs," it was said, "may be very good things upon political questions, but not so when election petitions are in question." It was due to the House itself that it should as speedily as possible remove so destructive an imputation on its honour. At present it was the universal opinion out of the House, among Tories, Whigs, and Radicals, that an Election Committee of the House of Commons was an assemblage of men whom neither honour, virtue, nor their oaths could bind when their political bias was involved. Such an opinion as this the House should remove as speedily as possible. He did not for a moment mean to say that he concurred in the imputation to any thing like the full extent; he did not believe that the House consisted of a set of men incapable of doing justice; but he conceived that the present system inevitably led them, in the generality of cases, into injustice. The reforms he proposed were as small as could be proposed. All he desired was, to get as far as possible on the right road. One great object would be to render the law certain. He should also desire to reduce the number of Members serving on each Committee; and he believed the general feeling to be, that the smaller the number of Members the greater was the chance of justice, without any decrease of responsibility. Another improvement was, substituting a peremptory challenge for the present mode; and he believed this change would produce the ultimate effect that challenges would be exercised very sparingly. Another improvement would be, the introduction of publicity into the proceedings of Committees. He proposed that the votes which hon. Members gave on these Committees, on every resolution, should not only be entered on the record, but read by the Chairman when the public were re-admitted. He would ensure further publicity by the Chairman giving his decision publicly; and thus, he thought, he should effect all the publicity that was necessary. He proposed another alteration, and it was one of considerable importance: it related to the law of costs. He would not say what the whole law of costs should be, for he thought that a matter which in a great measure it was better to leave to the regulation of the tribunals themselves when established. He proposed then to give the power to the assessors to regulate the costs till the necessary rules were laid down. The last alteration was one to which the noble Lord had given his high sanction, and it was the one which he believed to be the most important. He proposed the establishment of a court of appeal, composed of assessors. His proposition was, that three assessors should sit to hear appeals from the decisions given in the revising barristers' courts, as the Court of Queen's Bench heard appeals from the magistrates. It was not his object to deprive any man of his right of appeal to the House of Commons; but he would allow to no man a double appeal—he would not allow any point that had been decided by that higher tribunal of which he had spoken to be brought under the consideration of a Committee of the House of Commons. He hoped the House would excuse the length to which he had addressed them, his excuse being, that he had had no previous opportunity of explaining the details of what, he must confess, was a somewhat complicated measure. He knew his plan was objected to by many who said that it did not go far enough, that it was incomplete, that it did not remove the whole evil. He admitted that such might be the case. He was aware that there were a great many evils in the present system which his Bill did not remove; but it did not, at all events, aggravate any of them; so far as it went it proceeded in the right direction. He begged the House would bear in mind that he proposed this plan rather as the machinery for effecting future reforms than as a reform complete in itself. He would say, let no hon. Member obstruct the speedy passing of the Bill; it was not a party measure; it was a measure which the House ought to pass, if it were only in vindication of its own character.

Mr. *Williams Wynn* perfectly concurred with the hon. and learned Gentleman in saying that this ought in no respect to be considered as a question of party, but one in which both sides of the House ought to feel an equal interest. It was surely as much the interest of one side of the House as the other that the tribunal which decided on elections was one entitled in every respect to the fullest confidence both of the House and the country. In saying this, however, he must also say that he entirely concurred in the observations which had fallen from his noble Friend (Lord Stanley), and particularly in his opinion that the House was not yet prepared for this discussion. The evidence submitted to them was this, that besides this Bill they had before them another of a decidedly different character. In his judgment they ought not to proceed with one of these Bills without having the other before them in such a state as to be able to institute a comparison between the two. If it was the opinion of the hon. and learned Gentleman (Mr. Buller) that the intention of the hon. and learned Member for Dublin at the time he moved for leave to bring in his Bill was not to proceed with it, he neglected his duty in not opposing the motion; but in fact, the only reason assigned by the hon. and learned Member for Dublin for introducing his measure was, that the House might be afforded the opportunity of judging as to the comparative merits of the two plans. He was not prepared to say how far he could give his sanction to either of them; but he thought that the hon. and learned Member for Dublin having obtained leave to introduce his Bill, till it was introduced, and he had had an opportunity of explaining its nature, it would not be just towards him, neither would it be consistent with the usual character of their proceedings, for the House to come to a decision either for the adoption or rejection of either of the measures. On that ground, independently of any opinion that he might form of the Bills themselves, he should decidedly object to their proceeding to the second reading of the hon. and learned Gentleman's measure. There were certainly portions of the Bill in which he was ready to concur; but it appeared to him that they were beginning at the wrong end. Their first object ought to be to remove the ambiguities of the old law of election, particularly of the Reform Act, which were the main cause of the discordant decisions of Committees. There was one remark made by the hon. and learned Gentleman from which he altogether dissented. He decidedly differed from him when he said that such was the opinion of the country of the profligacy characterising the conduct of hon. Members on Election Committees that it was believed they were bound neither by the dictates of honour nor the obligation of their oaths. He declared on his honour that he believed such imputations to be most unfounded, and that it was not true that such an opinion prevailed. If a conviction of that nature did exist in the country, then, indeed, should he think that a most radical reform would and ought to take place: he should expect that the country would indignantly rise and turn them out of the House. If the country entertained the opinion that its rulers, that those who made its laws, were so profligate, were so dishonest, as to be bound neither by the obligations of honour nor the still higher obligations of an oath—if that were really the case, the sooner the functions of Parliament were brought to an end the better. If he entertained such an opinion of the House, he would say, "Give him a despotism, and the sooner the better; give him anything rather than such a Government." Some of the Committees had come to different decisions it must be admitted, but it would always be the case that intelligent men would entertain opinions at variance with each other on points of law. For example, there was the case of the opening of the Irish registration. He had his opinion on that subject, but he thought that men might very fairly and honourably entertain an opinion on it different from his own. That was a question which, of all others, he thought most required to be put to rest by a declaratory act. There were other questions relative to the right of voting under the English Reform Act, upon which, even the assistant barristers sitting together had given most learned opinions showing that they took directly opposite views as to the proper construction of the law. Neither profligacy nor dishonesty was attributed to them; and if not, why draw such conclusions with regard to the House. With a view to correct this discordance he highly approved of the establishment of a court of appeal as proposed by the present Bill, nor did he object to afford to Committees the legal assistance of assessors, but he should feel great difficulty as to the proposed appointment of these assessors by the Speaker, and the confirmation of the appointment by the House. He thought that if such a mode of proceeding were adopted, the appointment would come, in point of fact, to be made by the majority of the House. Then, again, he considered that the reduction of the numbers of the Committee made it more probable that the Committee would consist of Members all of one side of the House. He did not think the present tribunal too large. He for one could not allow the judge of a court of common law to sit on points of Parliamentary law; there was a very great difference between the common law and the *lex non scripta* of Parliament. According to the law of Parliament the judges ought not to be called on to decide any question of Parliamentary law, nor according to an old dictum of their own ought they to be. He would instance this by the right of Peers to vote: that was a question that ought not to be put to the judges for their decision. They probably, as there is no express disqualification of Peers by statute, would maintain that right, which the House of Commons by their resolutions, had uniformly denied and resisted. But he took the preliminary objection to their proceeding further with this Bill: they had two plans before them, one being incompatible with the other, and before they decided on endeavouring to render either perfect, let them see and judge of both.

Mr. *O'Connell* said, the hon. Gentleman who had just sat down had made a mistake when he said there were two Bills before the House: there was but one. It was true he got leave of the House to bring in another, but he would state the course that he had intended to pursue. He proposed to put his Bill upon the table of the House, and to have it printed by the commencement of the recess, so as to be in the hands of hon. Members during that recess. He did not mean to proceed further with it till it had passed through a Committee, and then he would decide whether he would press it on the House or not. He now saw that he interrupted the present Bill by introducing his at all, and having satisfied himself as to that, he should move that the order for leave to him to bring in his Bill be discharged. Let them discuss the Bill before them on its own merits, and not with reference to any other. As the principle of this Bill, and not its details, was under their consideration, he begged to submit to the House whether it were not necessary that something should be done? When the right hon. Gentleman opposite told them on his word and honour he did not believe that the public were so dissatisfied with the Committees of that House—he must admit, though that the hon. Gentleman did not go quite to that extent; that was a little too far, and he had no wish to misrepresent the right hon. Gentleman—when, however, the right hon. Gentleman declared on his word of honour that he did not believe the country entertained so bad an opinion of the House as had been stated, he fully believed that such was the belief which the hon. Gentleman entertained; but he must also express it as his opinion, that the public were greatly dissatisfied with the decision of the Election Committees of the House. It was rather an unfortunate circumstance that when a petition was sent down to them for trial there was immediately a very active canvass as they must all admit on each side. It was true that when men asked him to attend the ballot they did not say to him, "Pray go down to the House of Commons, ready to perjure yourself on the Committee!" Oh, no; but what they said was, "Pray go down to the House, that you may prevent the Tories from pressing themselves on the Committee." And did not the opposition say the same on their side. When the whipper-in went to them and pressed them to come down, did he say, "Come down, that you may be on the Committee, and no matter what the evidence, decide against the individual petitioned against, because he belongs to the opposite party?" No such thing. But what he did say was, "Go down, or the Reformers or Radicals will decide everything; they will not care for their oaths; they will perjure themselves and set at nought every moral obligation, in order to cause a decision in favour of their party.' The truth was they accused each other, and he believed that the public accused them both. It was notorious that when a Committee were to be ballotted for, each side was anxious to get upon the Committee a majority of individuals belonging to their party. Did they not know that it was commonly said by one side or the other, when the parties went from the bar, "They have no chance—we have beaten them—we have settled them now—there are seven to four; or there are six to five; they will appoint their chairman, their chairman has a double vote—they have not the least chance." Counsel had predicted thus, and their predictions had been verified by the event. Was that creditable to the House? They might delude themselves by the speeches they made there on the subject, but the public knew what the fact was, and the public condemned them all. In the case of Carlow alone there had been three different decisions by three different Committees on the question of opening the register. The first settled that the register should not be opened; eleven hon. Members on their oaths decided that. Eleven hon. Members, on another Committee, decided on their oaths that the same register should be opened. It was thought now that the possible differences between the Committees were exhausted; but it was not so, there was a third Committee, and they decided on their oaths that the register should be opened partially; they decided that whenever it could be shown that an objection was taken below at the time of the registry, it might be opened so far. What was the consequence? The Reformers had been unwilling to object to the first registry, from a wish to have the registration as general as possible; and thus not having objected to the first registry, the Tories had a great and decided advantage, for they were able to strike off whom they pleased, and the opposition party were able to strike off—none. In this instance, then, there were two directly opposing decisions, and one that was worse than either of the other two. Now, he put it to the House, would they have legal assistance or not? There was also the case of O'Dwyer, in which the Committee decided against the opinion of Lord Redesdale. He cast no imputations on the House; but ought they to be subject to such imputations from any quarter? There had been no Committee of the kind of which he was speaking appointed in that House; but he would not conceal from them that he should not have expected justice from an Election Committee of the last Parliament. Two seats had been decided against, by Committees of the last Parliament on the presumption that a man owed a tax because he was liable to it. A vote was objected to on the ground that the tax had not been paid; the objectors were not able to show that the man was in arrear. The books were produced, and his name was not on them; but because he resided in the street it was presumed that the tax was not paid. This was a monstrous case, but that decision unseated him. He then, asked them again, would they have no legal assistance? Was that such a state of things as ought to continue? To such an extent was the objectionable system carried that he had heard hon. Gentlemen reproached for having given certain votes in Committees of which they were Members. What, then, was public opinion upon the subject? He was ready to tell them. He should read for them a passage from a public newspaper—he meant to read it as part of his speech. The passage he referred to was written in allusion to the plan of the hon. Member for Liskeard; it expressed the conviction of the writer as to what the effect of the Bill would be. The writer said, "Thus this alteration would not put an end to what the writer of the article in *The Law Magazine* tenderly calls 'trifling with oaths.'" Did the House mark the expression "trifling with oaths." He had heard that House, before the Reform Bill became law, called "the noblest assembly of freemen in the world." He hoped the House had still some high feeling left; and yet did they mark what a law-writer—what one who it was supposed by his profession happened to know something of the working of their Committees — tenderly named "trifling with oaths." Was there a man amongst them who would trifle with his oath? Was there a man amongst them who would not say it was false that he would trifle with his oath? The writer said, "*The Law Magazine* tenderly calls it 'trifling with oaths, but which, in our opinion, amounts to a much higher crime. We alluded, cursorily, the other day, to this part of the subject, and to the different condition of judges and witnesses, although each under the obligation of an oath. The Members of a Committee have often sent witnesses to Newgate for giving false evidence, while they themselves, by their decision, have shown that they were utterly regardless of their own oaths; and careless whether the evidence were false or true." That was the language of *The Morning Chronicle* with regard to the decisions of their Committees, and to the regard paid to them by their oaths. It proceeded to say:—

> "With regard to the assessors, who by Mr. C. Buller's Bill are to preside and determine points of law without the power of voting, we by no means think, if they could be found and appointed, that the result would correspond with the expectations of the framer of the measure. The opinion of the assessor, however well founded, would have but little weight with men who had made up their minds to forswear themselves from party motives; and we cannot help believing that the rights of petitioners and respondents (if we may so call them) would be even safer in the hands of men bound by their honour to determine fairly and impartially than bound by their oaths. At all events, it is quite clear that oaths have been and are of no avail. To violate honour might have a serious effect upon gentlemen in their intercourse with society; but we see plainly,

that the avowed breach of a solemn oath on an election committee, entails no inconvenience or disgrace."

That was the language of *The Morning Chronicle* of the 3d of November. They cheered those opinions! Were they satisfied with the truth of what *The Morning Chronicle* said of them. They cheered a party paper because it publicly accused them of violating their oaths! They cheered that! If such were their carelessness and such their indifference with respect to the imputation—if it were only because it was said in a party paper that they were regardless of it, then he said, God help those who had to come before them for a decision. Did they not remember that the editor of the newspaper expected that its readers would believe the assertion? But did not hon. Gentlemen opposite see what their own newspapers stated with regard to them? Had he not read in *The Standard* a demand upon the Members of its own party to be diligent in attending upon the ballots for election petitions, as "the old Whigs never attended?" What was expected from this? Did it not argue a foregone conclusion equally with *The Morning Chronicle*. It had come to this, in fact, that they who it was to be expected were to set an example of high morality to the country, they who were to be regarded as men of the highest honour, were now so lost to feeling as to be regardless of the observance of the most solemn obligation. They, too, were content that such remarks as he had read should be made respecting them! Hon. Members, too, were aware that upon the striking of an Election Committee, when two or three persons drawn belonged to the same party, a cheer was to be heard. Was not, he asked, this indecent? Was it not improper that any set of men should be appointed judges whose opinions might be influenced by political and party interest? The House was quite aware that at this moment the striking off a Member from one side or the other was an object of the greatest importance. The fate of England, of one-third of the empire—the fate of Ireland, and how it was to be governed—the appointment to the highest offices in the state, all depended upon the majority in that House. Good God! if they would not hear that questions concerning their property, their life, or their honour should be tried by men having the one hundredth part of the interest in the result of the trial which they had there, why permit trials in that House where such interests were at stake by the very parties who tried them? This Bill did not, in his opinion, go far enough? but it gave them at least one protection, that of a single impartial person—it also gave them publicity, which was another security at least. There was no man, he was sure, who heard him who was not convinced that a worse species of tribunal to decide rights than an election Committee there could not be. On his side of the House they sought to ameliorate the present system—upon the other side they stood forward as its protectors—in doing so they used all their influence in outraging the public feelings, and let them have with it all the prosperity that they could obtain.

Sir *Edward Sugden* was surprised at the course pursued by the hon. and learned Member for Dublin. He had given credit to that hon. and learned Member at the moment that he had learned that it was his intention to have introduced a Bill of which he had given notice. Not only had the hon. and learned Gentleman altered the title of his Bill, so that it might proceed with the Bill of the hon. Member for Liskeard, but in so doing the hon. and learned Member for Dublin had declared his opinion that the proposition of the hon. Member for Liskeard could not be adopted. He (Sir E. Sugden) had understood the hon. and learned Member for Dublin, in speaking of that Bill, to express himself in as strong, though not uncourteous, terms, as it was possible for one Member to use in speaking of another. It did appear to him, therefore, and he said this without intending any imputation on the hon. and learned Member, that Members on his side had been most unpleasantly taken by surprise in consequence of the course the hon. and learned Member had adopted. He had come down to the House in the belief that they would have an opportunity of discussing the principle of both Bills before they were called on to affirm that of either. The hon. and learned Member said it had been his intention to allow the hon. Member for Liskeard's Bill to go to a Committee before proceeding with his own, but he ought to have known that when the House had given its sanction to the principle of the one Bill, it was utterly impossible that they could allow the other to be brought in at all. When the hon. Member for Liskeard's Bill had reached so advanced a stage of its progress, it would have been most irregular to call on the

House to disclaim the principle they had affirmed, and to entertain another Bill, on a new principle, diametrically opposite to the former. He could assure the hon. and learned Gentleman that they were Bills which could not travel together. The hon. and learned Member did gross injustice to that side of the House when he supposed they could come there to oppose a Bill designed to improve the character of the tribunal appointed to try contested elections. He believed there was not one Gentleman on that side who did not desire to give such assistance to that tribunal as should enable it to stand well with the country. He regarded that tribunal as necessarily having a judicial character; he declared that he had heard with unmixed horror the epithets applied to the conduct of its Members, and could he believe them to be just or deserved, instead of holding it an honour to be a Member of that House, he should look back to the day which had sent him there with the deepest pain and contrition. He could not make out that there was any real difference between the views of the noble Lord (Lord Stanley) and those of the hon. Member for Liskeard. The noble Lord said, that however honourably a man commissioned to determine the validity of a disputed election might be disposed to judge, he was still but a man, liable to be influenced by party bias and prejudice, and to be embarrassed by the other obstacles in the way of arriving at a correct decision. The hon. Member for Liskeard, who had ridiculed the statement of the noble Lord, confirmed it in a subsequent part of his speech, for he said he did not believe any jury that ever existed would give an honester and fairer decision than the Members of that House. So that, in fact, the hon. Member's objection to an Election Committee resolved itself into this—that as the Members of it were human beings, it was impossible to give credit to any conclusion they might come to, and that it must be unsatisfactory. The hon. and learned Member for Dublin had read a most offensive and most libellous passage from a daily print, which supported the interests, and was supposed to be in the confidence, of her Majesty's Ministers. In that libel, thus brought before the House, and read as part of the hon. Gentleman's speech, there was no distinction of party, nor any respect paid to the friends of those who wrote it; both sides of the House were equally attacked. The hon. Member, when reading the passage, was met by a cheer from the friends around him (Sir E. Sugden), and had affected to mistake its meaning. Could the hon. Member really be at a loss to know what that cheer meant? That cheer expressed, as clearly as any language could express, the disgust which all upon that side of the House felt at the imputation cast upon its character in the libel; it declared, in the face of the House and the country, that they were clear from the guilt laid to their charge, and the hon. Member must have known it. But what use had the hon. and learned Member made of this cheer? The libel he had read represented the system of trial for contested elections, as one that degraded them to the level of the lowest of mankind, and the hon. Member had insinuated that they cheered it as if it were true, and as if they approved of it. The hon. Member had imputed to that side of the House sentiments which never entered their minds, and which they altogether disclaimed. All sides of the House might be, and must be, open to those influences which affected humanity; but he did not, and could not, believe that any Gentleman on either side could forget the solemn oath he took fairly to try the case, and to decide according to the best of his judgment on the evidence before him. If it were otherwise, then he could only say that the sooner the law was altered, the better for the country. There was great difficulty in entering on the discussion of the measure before the House, because they had been taken by surprise in being asked to sanction its principle. Anxious to adopt any plan which, without giving up the power of the House in election matters, would impart a better character to their decisions, and take away all ground for censure, he would consent at once to entertain the question; but he wished that the Bill might be postponed for such a time as would enable them to consider it properly, as well as allow the hon. Member for Dublin time to introduce his measure. They were not now prepared to discuss this measure as it ought to be discussed. In times gone by, an hon. Member would not have thought of moving the second reading of a Bill so important as this without making a single observation, but would have explained the principles on which it was founded, and the details by which he meant to give effect to them. His objection to this Bill was confined to its details: it did not extend to its principle. He would state to the House a few of the grounds on which he thought it would not operate well. The hon. Member for Liskeard asked, if they would continue a Committee irregularly and badly constituted, when they might create a far more eligible tribunal; and the hon. Member for Dublin, in the speech delivered by him, which was evidently intended for his own Bill, ascribed the vice of the system to the tribunal. Well, what did this Bill propose? Why, the same tribunal to all intents and purposes, though fewer in number. Instead of having an equal number of Members balloted for, and reduced to eleven, it was proposed that Committees should consist of five; but were these more likely to be bound by their oaths, or by the principles of honour than the eleven? Supposing they were more mindful of their honour, was it not safer to intrust such a power to the hands of eleven than five? Three assessors were to be appointed by the Speaker, barristers of not less than seven years' standing, with a salary of 2,000*l.* a-year,—not a large sum, but with so little to do for the money, that he was sure there would be a good many candidates. The House had the highest respect for the impartiality of the chair; but they could not but feel that, out of the chair, the Speaker, as an English gentleman, was opened to be swayed by party influences. As the assessor only held his situation during good behaviour, and as his nomination must be confirmed by the House, it was not to be expected that any man possessed of much practice at the bar, would be induced to withdraw from it by such a temptation. Should any man leave his practice for an office so precarious, and be obliged afterwards to resume it, he would soon find that his practice had left him. He did not believe, that that House would ever abandon its control over the elections of its own Members. In reviewing the history of the constitution, it was impossible not to be struck with the difficulty experienced by the Commons in establishing their own exclusive right to such interference, and there could hardly be a more dangerous measure than by an Act of Parliament to put a bridle on themselves and invest any other body with the power of deciding questions regarding their own elections. He should be able to show, in a more minute survey of the Bill, that other parts of it were equally objectionable. He could not persuade himself, that the other side of the House would take that side by surprise, and send the Bill to the Committee, without allowing that reasonable time, which was asked by the noble Lord to consider the measure.

Mr. *George F. Young* said, that although he concurred generally with the hon. and learned Member for Dublin in thinking the present Committee for the trial of contested elections objectionable, he would not have ventured at that moment to obtrude himself on the attention of the House had it not been for one expression that fell from the hon. and learned Gentleman. The hon. and learned Member, in alluding to the acts of a Committee, which he designated in a manner not to be misunderstood, had stated that the Committee assumed that a voter had not paid his rates because his name was omitted from the rate-book of the district in which he lived, and had also said that that case lost him his election. He would unequivocally declare, if he rightly understood what had fallen from the hon. and learned Member, that he had asserted what was not accordant with the fact. He would not occupy the time of the House by a reference to the acts of that Committee, but he was bound to say, and it was the first opportunity afforded to him of stating it to the hon. Member's face, that the hon. Member had thought fit on many occasions to speak of his conduct at that time in a manner which he would not say the hon. Member would not have dared to do. [*Order, order.*], because he had seen too much—

The *Speaker* said, he hoped the strong expression used by the hon. Member would be withdrawn.

Mr. *Young* was sorry if he had used any expression inconsistent with the propriety of debate, and apologised for having done so. The hon. Member had thrown out imputations from which he would not condescend to vindicate himself, but on behalf of that Committee, and not for himself, he declared in the face of the House and the country, that he had never acted with a set of gentlemen more free from party bias than those who composed the committee. He declared on his honour as a gentleman, that throughout the whole of that protracted investigation it was utterly impossible for him, though he had an intimate knowledge of the sentiments of each individual Member, to predict how any of them would vote. If they did not bring to the discharge of their duties a great degree of legal knowledge, the absence of which was reflection on them, still it was most unfair that they should be held up to public odium as having betrayed their trusts. For his own part, he should consider himself disgraced if he could allow himself to be influenced in the discharge of these duties by a factious motive. He was fully sensible, however, that so long as the public found that Members, whenever a ballot for a Committee took place, were asked to come down and "stand their shot," they would be persuaded that a strong party bias existed, which though it might not induce the Committee to act in direct contravention of their oaths, would exercise a pernicious influence on their decisions.

Mr. *O'Connell* in explanation stated, that he had been misunderstood as having said, that one case lost him his election, instead of one decision, which involved several cases.

Lord *John Russell* felt it necessary to make a few observations upon the present occasion. He owned that there appeared to him to be grounds favourable to the second reading of this Bill. It was the result of the labours of a Committee that had given great attention to the subject; and he observed in the records of the House, as to the labours of that Committee, that on the subjects submitted to them, on which it was to be supposed there had been a great deal of argument, there had been not less than twenty-one divisions in the Committee. These had all taken place upon various points, and each of them the most important as connected with the principles of the Bill. He had read over the names of the Gentlemen who generally appeared upon the one side and upon the other, and to show the House the manner in which these divisions generally took place, he should take the division upon the question for the nomination of the assessors during good behaviour. The names upon the one side were Mr. Hardy and Mr. Pemberton; and upon the other Mr. W. Wynn, Mr. Strutt, Sir Thomas Fremantle, Mr. Grote, Mr. Villiers, and Lord George Somerset. These divisions were not courted by different political parties; but persons of the same political parties were to be found voting against each other. This he thought, looking to the names of the persons, was a proof that they might have been safely intrusted with the preparing of what was a difficult measure. The House had, then, the recommendation of a Select Committee for this Bill; and they were also aware that in the last Parliament it had been read a second time without a division. He said, then, that these were peculiarly favourable grounds for their granting a second reading, and so far sanctioning the principle of the Bill. The noble Lord (Stanley) and the learned Gentleman who followed him (Sir E. Sugden), especially his noble Friend, rested their objections on this ground—that the hon. and learned Member for Dublin had obtained leave to bring in a Bill which was to be of a different character, though intended for the same purpose, and that that Bill ought first to be printed. The noble Lord placed rather too much reliance on the Member for the city of Dublin. The hon. Member had observed, that it had been his intention to introduce the Bill and have it printed, and allow it to lie over during the recess; but when he followed up that by saying he thought the subject of so much consequence that rather than impede the progress of the present measure he would not introduce his own, then the whole argument built on the intention of the learned Gentleman fell to the ground. If they had to consider the two Bills founded on different principles, one already introduced, and the other to be introduced, in a few days, then it might be proper not to delay this Bill till the 14th of February, for there could be no reason for that but to delay it for a week or ten days till they had the other Bill before them. But when the hon. and learned Gentleman said he was not prepared to bring forward his Bill, that he did not mean to bring it forward at all, they might fairly conclude that the Bill, having the sanction of the Select Committee, and of the last Parliament, was the only one to which their attention was directed, and that the only question before the House was, whether they should sanction a Bill having for its principle the amendment of their Election Committees. His own opinion was, on the whole, that the best course they could adopt was, not to change altogether the nature of the tribunal before which questions regarding elections were brought. But he thought that some late decisions of Election Committees had given so much dissatisfaction, that they ought to endeavour to amend the tribunal, and see if, with those amendments. they could make such a tribunal as would give fair and competent decisions. He would not cite any instances in support of his position, but he believed it could not be denied that latterly the Election Committees had not produced an impression either on this House or the public that their decisions would be free from party bias. He had not himself attended to the election business of the last Parliament, but he had been told that on three or four occasions it happened, when three or four Members of the same party had their names read together on the balloting list, that a cheer had been heard from that side of the House to which they belonged, as if they had secured, not an impartial judge, but a ready partisan. He had been told so. He had been asked last year to adopt, with respect to these elections, the same course which was followed upon party questions, that of sending out notices. He declined doing so, as he said it was an improper practice. But then the argument used to him was that to which the hon. and learned Member for Dublin had referred, "that the other side of the House did the same." He did not know that this was the practice on the other side; he did not know it to be the practice upon his own. But when there was so much jealousy about the names of adverse parties being on a Committee, it was a sufficient proof that the decisions of the Committees would be party decisions. A part, a great part of this feeling had arisen from the uncertainty of the law, but more especially from the uncertainty respecting the right of voting in Ireland. This had been the case with two or three Election Committees, and with the Longford Committee in particular, where, he believed, this was the chief point in dispute. Now, without the imputation of intentional perjury to any side, where there was a question of intricate law, and upon which some of the Irish judges differed from other Irish judges, and where there were other questions not legal, but intricate, party bias would influence the decisions upon them. In saying this, he was not imputing perjury to such a person; he was merely pointing out his incompetency to decide the question without further information. Let them consider whether this Bill tended to remedy the evils whose existence was acknowledged. He, for one, thought that it did provide some remedy. He had always thought it a very bad provision that a number of names should be taken and reduced by striking off to a small number. The right hon. Gentleman who brought in the last Bill on the subject, the 9th George 4th, so far acted on this view of it that he reduced the number of names to be drawn from forty-nine to thirty-three. Previous to that the constant custom was, to strike off a great number of names by each party which was then called—he did not know that the practice still continued—but then it was called "knocking the brains out of a Committee." It was the very way to spoil the tribunal which they wished to have named. He had rather have a Committee chosen by that House, and composed of proper persons, than that each party should have the power of striking off names. He had rather himself, if he had to defend his seat, have a person of the opposite side of politics, who knew all the questions that could be discussed before him, than a person of his own side who was ignorant of them. He was quite sure that what was called perjury depended not in such cases upon the corruption, but the ignorance, of the party. When, then, an hon. Member was well informed upon different questions, he must see that without perjury he could not give an improper decision upon it; when, perhaps, another would give a vote against him in ignorance, upon a wrong principle, or upon a wrong interpretation of the law. With respect to another point, namely, the appointment of assessors to attend Committees, he thought that this likewise would tend to make Committees act with greater justice, and with more deliberation; but what he looked to above all in this Bill, and what he thought would tend to produce good effects both with respect to the Election Committees and the legislation on the subject was, that there should be a certain number of persons of fit qualification, who should form a permanent judicial body, ready to give their opinion, and the substance of their deliberations, whether to the Election Committees, or to the House of Commons, or whether in the course of registration upon any election which should call for it. But he did not wish at present, certainly, and without much farther consideration, and without seeing that the evils which the present system produced were without any other remedy, that that House should lose or part with the power of deciding these questions by Members chosen from amongst themselves. But he thought that the great evil which affected those who had seats in that House which were called in question, and which affected every voter who came before the revising barrister, and which, indeed, affected the whole country, was the uncertainty that prevailed at present. They could not allow all disputes arising out of elections to go into a court of law, and very properly, as he thought; because the judges who had to decide upon all questions relative to the properties and lives of her Majesty's subjects were now supposed to be actuated by no political bias; but if they referred to the constituted tribunal of the judges those questions of a political nature, whatever their decisions might be, they would be liable to imputations from one side or the other. As, then, they could not part with the power themselves and give it to the judicial tribunals already constituted, the next thing that occurred to him as most likely to improve the present tribunals was, that there should be a certain number of men, of legal knowledge and judicial habits, who should form a permanent body to decide such questions as should come before them. The noble Lord opposite (Lord Stanley) said that there ought to be a Committee of the House of Commons appointed to declare what the law was upon these questions. Now he must say that he should not entertain much hope from such a Committee; because, if Committees now decided with a certain bias with respect to what the law was at present, he was quite sure that a Committee would decide with a bias when it had to interpret what the law should be in future. They had found this already with respect to the registration bills, and therefore he thought that where a doubtful point arose, and a Committee had to clear that doubt, the Members would say to themselves, "as we have to clear this doubt in future, let us not proceed according to our notions of what the practice should be, but let the doubt be cleared in a manner favourable to our own party." That would also be the opinion of the other party, and they would therefore have the same difficulty in passing a bill through the House which should obtain the assent of either party, as they had now. Therefore upon the whole he thought that there was no sufficient reason for not agreeing to the second reading of the bill. The objection which was stated at first, and which was a reasonable objection, namely, that the bill of the hon. and learned Member for Dublin stood in the way was now done away with by that hon. and learned Gentleman himself, and he thought, therefore, that if they wished to apply any corrective whatever to the evils which existed with respectto Election Committees, they ought to sanction the second reading of this Bill.

Sir *Robert Peel* said, that the question was not whether they would consent to any improvement of the present system by which Election Committees were constituted; the question was not whether they would consent to the principle of this Bill; but the simple question was, whether on that day the House of Commons was sufficiently prepared, by mature deliberation on the subject, to affirm the important principle involved in the Bill. Were they, he would ask, a new Parliament, with 150 new Members, to be called upon a few days after the opening of Parliament, and only two days after the printing of the Bill, to enter into the consideration of that Bill, and the very important question to which it related? Of the 150 new Members, he would venture to say, that not one had yet had an opportunity of considering—nay, even of reading the Bill through. Why, the Bill was printed only on Saturday, and probably many Members did not get their copy until that (Monday) morning. He owned he had not read the Bill, until he came down to the House that evening. How many of the 150 new Members had read it? But he would not ask the question, for the Bill was so full of blunders, that even if it had been read, it was exceedingly difficult to be understood. He would take, as an instance, the proviso to the 16th clause of the Bill. It was there stated, that "if after reading the order of the day for taking any such petition into consideration, it shall be found that there are not 100 Members present, or that the number of thirty-three Members, not set aside or excused, cannot be completed, it shall and may be lawful for the House, if they think fit, to direct that the order shall be adjourned for any number of days," &c. Now, what had they to do with the thirty-three Members? [Mr. *C. Buller:* That is a blunder in the Bill.] Clearly so; but there were other parts of it equally confused. Here, then, was a Bill printed on Saturday, delivered on Monday, which was perfectly unintelligible, on account of the great hurry with which it was printed, which was admitted to be unintelligible by its Mover (Mr. C. Buller), as far as the number thirty-three is concerned. Let it be so; but under these circumstances they were called upon to affirm the principle of the Bill. Whatever they might do in this respect, let it be done after mature deliberation. They might depend upon it, that a contrary system would not be satisfactory to the people; and if the people entertained the impression that they had adopted this plan lightly, and without mature consideration, the consequences would be, that they would view it in the same light in which they were supposed to view the present system; and if they found that with this Bill, which was admitted to be incorrect, which had been printed only two days, and with 150 new Members in the House, they dared to affirm summarily the principle on the second reading, he would venture to affirm that the people would be disposed to view the future decisions of Election Committees with little confidence, and still less would they have confidence in the fitness of that House to legislate on the subject. But the real question—a question which had not been referred to—was this, did they mean to apply the new tribunal to existing election petitions? This was the real question which was involved in this measure. He found the following sentence introduced into the face of the Bill, and he should like to know whether it was another blunder? It was this:—"And be it enacted, that this act shall commence and take effect from and after the last day of the present Session of Parliament." Here was a distinct manifestation of the intention of the author of the Bill, that the Bill should not take effect until after the present Election Committees should be disposed of. If this were the case, where was the necessity of such precipitation? If it were really intended that all existing Election Committees should be appointed under the existing laws, unless for some extraordinary and special contingency, in respect of which the noble Lord opposite had reserved himself—if it were intended, that all election petitions now pending should be tried by pre-existing tribunals, where was the necessity of calling upon the House of Commons to assert that the present mode was so inconvenient that they must affirm the principle of a new tribunal within two days after the Bill had been printed and put into their hands? If, indeed, it was intended to supersede the existing tribunals, and to refer election petitions to some tribunal to be constituted—if that were the case, he could understand the reason for this precipitation and haste; but that motive was distinctly disclaimed by the Mover of the Bill, and believing that disclaimer to be sincere, he called upon the House to ask for some little time before they committed themselves to the principle of this measure. He gave credit to the hon. Mover of the Bill for good intentions; he believed, that the hon. Gentleman sincerely meant what the last clause of the Bill contained, viz., that the Bill should not take effect until after the present Session of Parliament, and that it should not, with respect to existing petitions, supersede the existing tribunals; but he begged to remind that hon. Gentleman, that if a majority of the House were so inclined, there was nothing so easy as, in passing through Committee on the Bill, to strike out the two lines at the end of it, and thus leave the election petitions to be tried by the tribunals constituted by the present Bill, and thereby to give it an *ex post facto* operation. They would, doubtless, have the assistance of the hon. Mover of the Bill in resisting such a proposition—a proposition fraught, as he considered it, with the grossest injustice. They might depend upon it, that whatever objections there might be to the existing tribunals, yet if the country understood that that House of Commons meant to postpone what had hitherto been considered their first and most positive duty on the assembling of a new Parliament, namely, to determine who of the sitting Members were duly elected, and who of the sitting Members retained their seats against the intention of the law in that House, the country would not approve of the House of Commons in thus giving the Act of Parliament an *ex post facto* operation. The main question, therefore, was whether or not the new tribunal was, in point of fact, to supersede the existing law, and to have the election petitions referred to it? On Wednesday, the 6th of December, the noble Lord opposite promised to deliver an opinion decisively upon this point. The noble Lord had given notice, that on Wednesday, the 6th of December, he would name the day in February, on which he would propose to take into consideration the election petitions. He admitted, that the noble Lord reserved himself in certain cases, neither the magnitude or occurrence of which he could foresee. They would know the opinion of Government on the 6th of December, and he, for one, would not consent to the second reading of this Bill until that declaration was made on the part of Government. Upon these two grounds, he was in favour of postponing the consideration of this Bill, until the noble Lord declared what course the Government proposed to pursue with respect to the election petitions, and also on the ground that the Bill required some additional consideration beyond the mere Sabbath-day. If he wanted any other reason, the speech of the hon. and learned Member for Dublin was, he thought, decisive against proceeding with the Bill. The noble Lord opposite said, that the hon. and learned Member for Dublin had cut away from his noble Friend (Lord Stanley) the whole ground upon which he objected to this Bill. As far as the hon. and learned Member for Dublin was personally concerned, as far as concerned his personal wishes and feelings in the matter, there could be no doubt but that that hon. and learned Member, greatly to his surprise, did waive his personal wishes and feelings; but, as far as the arguments and reasoning of the hon. and learned Member were concerned, they remained with undiminished force. That hon. and learned Gentleman had told the House, that he intended to bring under discussion the great question whether the persons directly interested, and who were, in fact, the parties, should be the judges or not? The hon. and learned Gentleman said, that it was a scandalous thing that summonses should be issued to procure attendance in that House, that it tended to degrade them in the public estimation, that it lowered the character of individual Members of the House, and that in their collective capacity the object was for party purposes to insure a large attendance. Now, if this objection had any weight, it would apply with just as much force to the present Bill as to the existing law. The hon. and learned Member for Dublin said, that the present system induced political parties to attend in order that the benches might be well filled when the names were drawn from the balloting box. If the hon. and learned Member felt the force of this objection, he ought to resist the second reading of this Bill, unless, indeed, he was making his consent to the second reading of the Bill a mere matter of form. If they consented to the second reading of the Bill it would imply that the House of Commons ought to retain the jurisdiction in election matters in their own hands. Now he would not hesitate to say, that if he thought that the House of Commons deserved the character which he had heard given to it by those who were the most anxious for a reform, he should have desired that the jurisdiction might be transferred from the House of Commons, and he would have concurred in the principle laid down by the hon. and learned Member for Dublin. If the Members of that House were so influenced by party feeling that they were not fit to decide questions that arose upon election committees under the tribunals as they were at present constituted, they surely would not be fit to decide them under the tribunal proposed by the hon. and learned Member for Liskeard. That hon. and learned Member said that this was a bit by bit reform, that he was proceeding very gradually, that he wanted to have as little reform as possible. The hon. and learned Member for Dublin, on the other hand, denied that the House of Commons was a fit tribunal, or of a character sufficiently impartial to fit it for the consideration of these questions, and therefore he wished to have them transferred to another tribunal. He was surprised, after the position thus laid down by the hon. and learned Member for Dublin respecting the character of the House of Commons, and the inferences thus drawn by him, that he should consent to the second reading of this Bill. The objections which applied to the existing tribunals would apply equally to the tribunals constituted by the present Bill. He for one would not go quite the length of some hon. Gentlemen as to the great danger of parting with the constitutional right of deciding upon election petitions. If they could get an impartial tribunal of five or seven persons, not directly interested in the election petitions, he was convinced that the House of Commons would lose nothing by the transference of the power of deciding in such cases to a body so constituted. The great difficulty was as to the mode of selection. It must be admitted that they must be selected by some body If it were left to the Government it would be open to strong objections, the great objection being the difficulty of constituting an impartial and a satisfactory tribunal. To the appointment of assessors by the Speaker he would decidedly object. He could not conceive any proposition tending more to destroy the impartial character of the chair. The Speaker of the House of Commons, whose election for his new duty would doubtless depend upon party, would, on the first meeting of Parliament, have to propose to the House the names of three Members with a salary of 2,000*l.*, and these persons were to act in respect of political matters of the utmost importance to parties. He was afraid that it would be impossible for any Speaker, with the best intentions, to make a selection which would be satisfactory to all parties. It would be placing a Speaker of a new Parliament in a most unpleasant situation. There would, in the election of a Speaker, be either a complete acquiescence or a contest. If there was a contest, what a situation would it place the Speaker in? It could not be expected that the Government, who selected the Speaker, would not labour under the impression that they were bound to support the nominations of their own Speaker. It might be easily foreseen that it was probable that a Government might say to itself "These men bear a most excellent character, the Speaker has named them as men eminently qualified for the office, and it will be degrading to them unless we support their nomination." The other party would say, "That may be all right; but we should have the appointment, if not of two out of the three, at least of one of them." Would this be a fit situation to place the Speaker in? Was it proper that on taking the chair on the first meeting of Parliament he was to have the nomination of parties possessing a character the most important, not merely as respected political, but party questions? He could not affirm this principle of the bill. It appeared to him to be a very grave question, and he would much rather not give his opinion decisively upon these points. He would also much rather reserve to himself a fair opportunity for a full consideration relative to his views of the challenges proposed to be allowed. It was possible that the right of challenge, where five challenges were made, would be to insure the knocking out the brains of the Committee. Now he was not sure that it would not lead to a directly opposite result. Opposing parties, on hearing a certain number of names called, might be in doubt whether or not they should exhaust their challenges by objecting to the names called, or whether they should not wait for a better challenge. This would at once be the introduction of the element of chance into the new tribunal. The objection to the present system was, that it was influenced by party motives, and that the Members were selected by chance; but it was evident that the same objection applied to the new tribunal. Parties would, as they did now, assemble in great strength on each side, and chance would determine the tribunal as it did now; and he was not at all certain whether it would give a greater degree of satisfaction. It appeared to him that chance would exercise as much influence over the new tribunal as over the old. He would be very sorry, however, to give a decisive opinion upon this point. He should wish to satisfy himself on these points. He had never read the bill till he came into the House. The noble Lord opposite (Lord John Russell) said that the bill had passed through the second reading last Session. Was that quite fair? He admitted that it did pass the second reading, but it was distinctly understood that the bill should not pass into a law. [*No, no!*] He was sure that was the general impression. [" *No, no!* " from Lord Howick.] He thought that an objection was taken by the Attorney-General to proceeding further with the bill. [" *No!* " from the Attorney-General.] He could not refer to the speech of the hon. and learned Gentleman—he trusted to memory, and that was his impression. If, then, there was a general feeling on the part of the House that the present tribunal was so unsatisfactory that it required amendment, but that those amendments should be applied after mature consideration—if the hon. and learned Member for Liskeard really desired that they should not look upon this question as a party measure, but that it should be gravely and deliberately discussed; above all, if hon. Gentlemen wished that this question should receive a calm consideration, if they wished maturely to consider the transferring of their power, as far as their jurisdiction was concerned, to somebody impartially selected, with the consent of the House of Commons, he hoped they would all concur in deferring the second reading of this bill. He asked the hon. and learned Member for Liskeard himself to postpone the bill until the House had an opportunity of giving it further consideration. Above all, he hoped those Members of the House of Commons who were now called upon to exercise their functions for the first time, would refuse to pledge themselves to affirm the principle of this bill on that night, and that, on the contrary, they would support the proposition of his noble Friend, which was not that the present system should not be amended, not that the bill should be rejected, but merely that there should be a delay of two months interposed, in order that public attention having been drawn to the subject during the recess, old Members and new Members might be enabled to apply themselves to the subject with more caution and deliberation, thus affording a better prospect of their arriving at a conclusion upon principles satisfactory to themselves and the country.

Viscount *Palmerston* must say, that he

did not think the reasons assigned by the right hon. Baronet for the proposed delay, appeared to him at all satisfactory. He quite agreed with the right hon. Baronet, that it was most desirable, that whatever the House did upon this subject, should be done with calmness and with an absence of all party feeling. The object the Bill had in view was, to relieve the House from an unfavourable impression existing in the public mind with respect to the votes of that House, in which, therefore, they had all a common interest. It appeared to him impossible to deny, that the present mode of deciding upon election petitions, was not such as was satisfactory to that House or to the country, therefore, as far as they were called upon by reading this Bill a second time to affirm the principle that some change should be made, he, for one, was perfectly prepared to affirm that principle, and he called upon the House to declare itself of the same opinion. The principle involved in the second reading of the Bill was, that some change was desirable, and that it was expedient, in the first place, to attempt to make such a change as should reserve, as far as possible, to the House of Commons itself jurisdiction over those questions. If he understood the right hon. Baronet correctly, he thought the right hon. Baronet seemed not altogether indisposed to the constitution of some tribunal different from the House of Commons to which these questions should be referred. He thought, however, that the House ought to pause before they proceeded to that extent. He thought, that they ought to satisfy themselves that it was not possible, by any modification of the present mode, to decide those matters themselves so as to attain a mode of settling them, which would be satisfactory to themselves and to the public. He was, therefore, prepared in the second place, to affirm the other principle which the second reading of the Bill carried with it, namely, that they ought in preference to endeavour to keep these questions within their own jurisdiction. The right hon. Baronet asked the House, why could they not postpone the second reading of the Bill for two months, till after the recess? The reason was obvious; they had now no business in the House; they had now no business before them to prevent the House from giving their full attention to this subject. If, indeed, they postponed it till after Christmas, other matters of pressing importance would come before them, so that it would be impossible for them to give this subject the same attention which they were now enabled to give it. With regard, therefore, to the principles which they were called upon to affirm by reading the Bill a second time, and also with regard to convenience as to the question of time, he thought the House would do well to proceed to the second reading of the Bill.

Mr. *Freshfield* said, that it appeared to him objectionable to read this Bill a second time on the present occasion, and he hoped he should have the votes of many hon. Members on the other side of the House against such hasty legislation. If there was a necessity for a new tribunal, how was it that it did not show itself till now? In 1832 it was not thought necessary to reform the existing tribunal, though the numbers in the House were as three to one. At that time no objection was found to the formation of Election Committees. In 1835, there appeared to exist no necessity for change; indeed the feeling seemed only to commence late in the last Session. It appeared to him that the constitution of the present Parliament afforded anything but a reason for change. In the present Parliament, parties were so fairly divided that there was a much better chance of obtaining a fairly selected Committee. Another reason for not proceeding with the second reading of the Bill was, that it was not intended to come into operation with respect to those elections which had taken place. It could not be intended that this Bill should have a retrospective effect; for he was sure that so atrocious an injustice would never be seriously perpetrated by the House of Commons, or permitted by the country. The sanctioning the second reading of this Bill would be casting discredit on the tribunal before which, at least, all existing election petitions would be tried; and for this reason, if there were no other, he thought the second reading ought to be postponed.

The House divided:—Ayes 214; Noes 160: Majority 54.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Ball, N.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Beamish, F. B.
Belfast, Earl of

Bellew, R. M.
Berkeley, hon. F.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blewitt, R. J.
Blunt, Sir C.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Bulwer, E. L.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Campbell, Sir J.
Carnac, Sir J. R.
Cavendish, C.
Cavendish, G. H.
Chalmers, P.
Chapman, L.
Chetwynd, Major
Clay, W.
Collier, J.
Collins, W.
Craig, W. G.
Crawford, W.
Crompton, S.
Currie, R.
Dennistoun, J.
D'Eyncourt, C. T.
Divett, E.
Duckworth, S.
Duff, J.
Duke, Sir J.
Duncan, Viscount
Duncombe, T.
Dundas, J. C.
Dundas, F.
Dunlop, J.
Ebrington, Viscount
Eliot, hon. J. C.
Erle, W.
Etwall, R.
Evans, Colonel
Evans, G.
Evans, W.
Fazakerley, J. N.
Fenton, J.
Fergusson, R. C.
Finch, F.
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, P. H.
Fort, J.
French, F.
Gibson, J.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Greene, T.
Greenaway, C.
Grey, Sir G.
Grote, G.
Guest, J. J.
Hall, B.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Hayter, W. G.
Heathcoat, J.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Hutton, R.
Ingham, R.
Jephson, C. D. O.
Jervis, S.
Johnston, General
Kinnaird, A. F.
Labouchere, H.
Lambton, H.
Langdale, hon. C.
Leader, J. T.
Lemon, Sir C.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Maule, W. H.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Murray, J. A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, C.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
Paget, Lord A.
Palmerston, Viscount
Parnell, Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Philips, M.
Philips, G. R.
Pinney, W.
Potter, R.
Poulter, J. S.
Power, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, T. S.
Rich, H.
Roche, E. B.
Roche, W.
Roche, D.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Somers, J. P.
Standish, C.
Stanley, E. J.
Stanley, W. M.
Stanley, W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strangways, J.
Strutt, E.
Style, Sir C.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Thornley, T.
Tracy, H. H.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Westenra, J. C.
White, A.
White, H.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, Sir M.
Wood, G. W.
Woulfe, Sergeant
Wyse, T.
Yates, J. A.
Young, G. F.

TELLERS.

Buller, C.
Smith, V.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Adare, Viscount
Alexander, Viscount
Attwood, W.
Bagge, W.
Bailey, J.
Baker, E.
Baring, hon.
Barneby, J.
Barrington, Viscount
Bateman, J.
Bateson, Sir R.
Bell, M.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhassett, A.
Bolling, W.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Canning, Sir S.
Cantilupe, Viscount
Chandos, Marquess of
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clive, Viscount
Clive, hon. R. H.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Davenport, J.
Dick, Q.
D'Israeli, B.
Dugdale, W. S.
Duncombe, W.
East, J. B.
Eaton, R. J.
Ellis, J.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fitzroy, hon. H.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Freshfield, J. W.

Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Gore, O. J. R.
Gore, O. W.
Goulburn, H.
Grimsditch, T.
Hale, R. B.
Halfourd, H.
Harcourt, G. S.
Henniker, Lord
Herries, J. C.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Hope, G. W.
Houstoun, G.
Hughes, W. B.
Irton, S.
Irving, J.
James, Sir W. C.
Jenkins, R.
Johnstone, H.
Joliffe, Sir W.
Jones, J.
Jones, W.
Kemble, H.
Kerrison, Sir
Knight, H. G.
Knightley, Sir C.
Lascelles, W. S.
Lewis, W.
Liddell, hon. H. T.
Litton, E.
Lockhart, A. M.
Logan, H.
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mahon, Viscount
Manners, Lord C. S.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Maxwell, H.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Parker, R. T.
Patten, J. W.
Peel, Sir R.
Peel, J.
Perceval, Colonel
Perceval, hon. G. J.
Planta, J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Ponsonby, C.
Powerscourt, Lord
Praed, W. M.
Price, R.
Pringle, A.
Rae, Sir W.
Ramsay, Lord
Richards, R.
Rickford, W.
Rolleston, L.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sandon, Viscount
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stuart, H.
Sugden, Sir E.
Trench, Sir F.
Trevor, G. R.
Vere, Sir C. B.
Vivian, J. E.
Whitmore, T. C.
Wilberforce, W.
Williams, R.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Wynn, C. W.
Yorke, E. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

Paired Off.

FOR.	AGAINST.
Grosvenor, Earl of	Maidstone, Lord
Lennox, Lord A.	Wall, C. B.

POOR-LAWS.] Lord *John Russell* moved "for a Select Committee on the distribution of relief to the poor in England, under the orders of the Commissioners." The noble Lord said, he did not expect that the labours of the Committee could effect much before February, but he thought it advisable to have the subject entered into as early in the Session as possible.

Mr. *Wakley* said, he had a notice of motion on the books, "for a Select Committee to inquire into the administration of the medical department of the parochial unions which have been formed under the provisions of the Poor-law Amendment Act;" but, as he was anxious not to prejudge the inquiry about to be instituted, he would not press the point; he hoped, however, that the noble Lord would instruct the Committee to devote their earliest attention to that very important branch of their inquiry.

Lord *John Russell* said, he could hardly undertake to move such an instruction now. The operation of the system of medical relief to the poor was a subject which must necessarily come under the consideration of the Committee; but, at the same time, he thought that it was a subject so intimately connected with the other features of the case that it could hardly be separated into a distinct subject for inquiry. He would only add, that he should be ready at all times to inquire into any facts connected with the medical department of the Act which the hon. Member or any other Gentleman might be inclined to submit to him; and then, if the hon. Member was not satisfied, he could resort to his original proposition, and move an instruction to the Committee on the subject.

Mr. *Darby* wished to draw the noble Lord's attention to a point connected with the operation of the poor relief upon which great feeling was expressed, particularly in the county of Sussex. There were there, as in all parts of the country, a great number of labourers who had married under the old system of Poor-laws, and had families of children which they were unable to maintain, and it was earnestly desired by them that the board of guardians should have the power to admit some of their children into the house. This was a matter in which he thought it was absolutely necessary something should be done before the Committee terminated its inquiry.

Colonel *Wood* did not precisely see the range to which the noble Lord proposed that the inquiry of the Committee should extend. On the appointment of the Committee last year, the noble Lord stated, that he wished the inquiry to be as wide a one as possible; but, on the present occasion, he saw that the words of the motion limited the inquiry to "the distribution of relief to the poor under the orders of the Commissioners." Now, as the relief of the poor under the Commissioners was closely connected with the workhouse system, and unions were extending all over the country, he wished to know whether the noble Lord proposed that the inquiry should extend to the operation of the workhouse system? A very strong feeling prevailed throughout the country against the kind of relief administered in these buildings, and against the further erection of them, many of which, he must say, looked more like prisons than the abodes of the aged and infirm.

Mr. *Liddell* said, that as considerable objections were felt in the north of England, and in his own neighbourhood in particular, to the introduction of the measure in question into that part of the kingdom, he could not allow the present opportunity to escape without making a few observations upon it. It was against the workhouse system that the objections to which he referred were generally directed in the north; and he was sure that many persons were anxious for the success of the greater portion of the Bill, provided its more obnoxious provisions were got rid of. It was impossible not to see that many parts of the Poor-law Amendment Act were absolutely penal—and although he was willing to give the Commissioners credit for having met and checked the great evil of able-bodied labourers becoming burthens on the public, yet there was sufficient mischief in the measure to allow the people in the north of England to pause before they admitted it into their part of the country. He was willing to admit that the Bill had, in many places, been carried into effect with much discretion and consideration; but, as one objection to it in the north, he might mention the fact that it would compel persons connected with its execution very constantly to go long distances over a rough and difficult part of the country, which guardians could not be expected to do without some sort of compensation. As to the principle of the Bill, it was much in accordance with the old law as it existed in the northern counties, and he was prepared to show that many of the Unions about to be formed there, particularly in Durham and Northumberland, were not necessary. The hon. Gentleman then quoted from certain returns in his possession connected with the northern districts, from which it appeared that, in the Unions already formed there, the number of those who received out-door relief was infinitely greater than of those who were relieved within the workhouses. The same relief was, in fact, administered under the new system as under the old—and, under such circumstances, where was the necessity for covering that part of the country with workhouses? Again, the strongest impressions had prevailed upon the subject of the bastardy clause. In the town of Sunderland the parochial allowance of two hundred children had been suddenly stopped —and strong and dark rumours were afloat of children having been found dead. The Bill had led to the most cruel privations, and in many instances to starvation. Under these circumstances, then, he did hope that its more mischievous clauses would be brought effectively under the investigation of the Committee, for, although the workhouse system had been cried up as having remedied the evil of able-bodied labourers receiving parochial relief, yet it should not be forgotten that a very great demand for labour had existed at the time the Bill came into operation, and had stepped in to the very timely assistance of the Commissioners, leaving it still to be determined whether the workhouse system had been of such great benefit as it was stated to have been. The old law had been carried into effect in many parts in a manner generally satisfactory to the public, and he had himself heard numerous individuals testify to its beneficial effects. He did hope, therefore, that the objections to which he had alluded would be brought under the notice of the Committee, and that that Committee would be an unbiassed and impartial one.

Mr. *Hume* had heard with regret the speech of the hon. Gentleman who had just sat down, particularly at a time when so much excitement prevailed in the country upon the subject of the Poor-law Amendment Act—and he rose to allude to statements, of the truth of which, in his opinion, the hon. Gentleman ought not to leave the House without being called upon to give some more satisfactory proof. The hon. Gentleman had stated that in the town of Sunderland alone two hundred children had been suddenly deprived of parochial allowance, and that strong and dark rumours were afloat that several had been found dead. Now, he was at a loss to divine what the hon. Gentleman meant, unless he intended to infer that these children had been deserted by their parents. But let him ask the hon. Gentleman whether he, as a magistrate, had made those inquiries into the truth of these statements which his duty and position demanded of him—or had he made them for the purpose of throwing discredit on the Act? He was sure that the Government would be highly pleased to hear the hon. Gentleman's explanation, and he could assure him—and he was borne out in the fact by returns in his possession—that, with respect to the bastardy clauses, there was no part of the Bill which had been attended with such satisfactory results as the changes which related to that particular subject. He considered the hon. Gentleman was bound to make out a better case than he had done.

Mr. *Liddell* had a paper in his possession relating to the statements he had made, and which had been communicated to him by an individual in whom he placed the most implicit confidence. If he were to name him, which he certainly should not do unless under an order from the Chair, he was convinced there were very many Gentlemen who would come forward and corroborate his statements. With respect to what he had said in connection with the bastardy clauses, the rumours he had referred to had most certainly prevailed, and had appeared in the public papers. With respect to his duty as a magistrate, he must inform the hon. Gentleman that he was not a magistrate of the county of Northumberland, though he was of Durham, or he should most certainly have attended most particularly to the working of those clauses of the Poor-law Act which he regretted had been the cause of so much dissatisfaction.

Mr. *Hume* asked the hon. Gentleman whether he could specify when and where one single case of a child having been found dead had occurred?

Mr. *Liddell* replied, that he could not at that moment specify a particular case—but he could show the hon. Member papers in which the rumours had publicly appeared.

An hon. *Member* stated, that he knew an instance, which was by no means a solitary one, of an individual who had himself been a rate-payer for forty years, and w o had now arrived at a time of life when, owing to his inability to work, he had nothing to look forward to but parochial relief, and who stated that he contemplated a residence in the workhouse with horror.

Mr. *Goring* regretted, that the Government were not prepared to modify these clauses, as they had the effect of preventing the Bill in many places from being carried into execution. The regulations were different in almost every union, and he could only attribute this to a wish on the part of Government to have an opportunity of talking of their reduction of the Poor-rates. He must say that he now considered an uniformity of system was quite hopeless. He fully believed this to be the fact. He knew many instances in which the guardians had applied to the Commissioners to alter the regulations, but in vain; but he did not see how the Government could refuse to give a special power to the Guardians to judge of the peculiar wants of the people in particular districts. As far as his own county was concerned, he felt himself compelled to impress upon the noble Lord (John Russell) the necessity, before the winter set in, of giving the Commissioners and Guardians a discretionary power in administering the provisions of the Act.

Mr. *Guest* said, that his constituents considered it a very cruel case to separate those who were bound together in the bonds of affection when in distress, and hoped the inquiry would be full and impartial. That he was sure would please the Commissioners too, for they only performed their duty.

General *Johnson* said, that when he considered the power which the manufacturers in the large towns had of turning great numbers of workmen out of employment, and that those persons would have no other places to go to but these prisons of workhouses, he did think that the oppressive orders of the Commissioners would produce the greatest dissatisfaction in the country. He thought that employment, instead of being augmented, was reduced by this measure. [*No, no!*] Let those who cried "No" prove their assertions. The Bill, he was persuaded, would never do in the manufacturing districts.

Sir *Harry Verney* said, that the Act had been the most useful and beneficial to which he had ever given his support. The hon. Gentleman opposite might perhaps have lost a few votes through it, but if he had lost twelve elections by it, he would never have refused to speak well of an honest measure—supported as it had been by so many hon. names on both sides of the House. He perfectly remembered the advice which the right hon. Baronet the Member for Tamworth, gave to an hon. Gentleman on that side of the House on a former occasion. The hon. Gentleman had brought in a Bill of which the right hon. Baronet disapproved, and in his observations on that measure the right hon.

Baronet said, that if, instead of introducing useless measures, the younger Members of that House would take up the report of the Committee on the Poor-law, and go through it carefully, and with a view to discover a remedy for the grievances and crying abuses of these laws, they would not only be doing that which would be useful, but in fact conferring an important benefit on their country. He always paid the deepest attention to whatever fell from the right hon. Baronet, being anxious to learn from his acknowledged wisdom and experience, and he had accordingly adopted his suggestion. No subject, he felt convinced from his inquiries, could be taken up by hon. Gentlemen with greater advantage to the community at large, and for this reason he was most anxious that the fullest and most extensive investigation as to the operation of the Poor-laws should take place. The hon. and gallant Officer, the Member for Oldham, had complained that no benefit had arisen to the labouring classes from the Poor-law Amendment Act, but the hon. Gentleman on the contrary, was prepared to contend that not only the labouring, but every other class, had been materially benefitted by that measure. While it had operated beneficially as respected the labouring classes, it had materially raised the character of the farmer. It bound up their interests with those of the working classes, and it had even done more—it had rendered the country gentlemen more useful and valuable members of society. As regarded the labouring classes, he thought it could not be denied that it had not only benefitted them in a pecuniary point of view, but tended materially to elevate their character. This he could assert from personal knowledge of the state of the poor in the neighbourhood in which he resided, and therefore it was, that he was desirous the country generally should have the benefit which had accrued in his own part of the country from these laws.

Mr. *Cripps* was sorry to hear such speeches as had been delivered by hon. Gentlemen on either side of the House on this subject that night. He did not suppose that their object was to create mischief, but they must permit him to say, that they evidently could not intend by what they stated to do any benefit to the country. He was astonished to hear many of the statements which hon. Gentlemen had made. An hon. Member opposite had asserted that the effect of the new Poor-laws was to lessen rather than increase the wages of the labouring poor, and that statement had surprised him, because he knew that the practical operation of the system furnished conclusive evidence to the contrary. On inquiry he believed it would be found that there were few parishes in which the wages of able-bodied labourers were lower than the wages given in parishes generally, and the reason was obvious. If a labouring man, his wife and family, were taken into the workhouse, they could not be maintained for less than a guinea a week, and this was a punishment so severe on the rate-payers that to be relieved from such a burthen as a guinea a-week they would gladly pay 8*s.* rather than 7*s.* as wages to those whom they employed. He was not a Member of the Committee of last year, and he had hoped that some hon. Gentleman who was—that the hon. Gentleman, the Member for Kilkenny for example—would have got up and stated some of the facts which had appeared in evidence before the Committee. Day after day, week after week, and hour after hour, they heard of some dreadful case of oppression, and therefore it was only right the public mind should be set at rest with respect to such rumours. He believed them to be unfounded. He had differed from the hon. Gentleman the late Member for Berkshire (Mr. Walter) on this subject, and he had not hesitated to say, that it was most unjust to depreciate a whole system because of the existence of a few isolated abuses. He recollected having asked that hon. Gentleman how many unions he had visited and what was his answer? Why, he said that although he had gone to the workhouse of one only three times he condemned the whole system beyond everything. He was curious to ascertain whether or not the objections of the hon. Gentleman to the new Poor-laws were well founded, and had therefore within the last ten days inspected, in company with a noble Lord to whom the neighbourhood was much indebted, the work-houses of the Wokingham union, in Berkshire. Nothing could possibly be better or more perfectly managed, and this the Noble Lord to whom he alluded readily admitted, although he declined to write his name in the book kept for registering the opinions of those magistrates and others who visited the workhouse as to the system adopted in it, on the ground that, having been hostile to the alteration, he could not regard it otherwise than with enmity. This was a union containing a population of 23,000 inhabitants, and not only here, but in every other union with which he was acquainted, he found that the farmers were most regular in their attendance at the board of guardians. He considered this a great advantage. With respect to medical relief, he had no doubt that this was a subject which would be taken into consideration by the Committee whenever they met. He was glad that the plan suggested in reference to medical relief last year had not been adopted, and he felt convinced that if any error existed in that branch of the administration of the Poor-laws it would speedily be rectified. At present he thought hon. Gentlemen ought to abstain from pronouncing any censure on the system.

Mr. *Christopher* wished to call the attention of the noble Lord the Secretary of State for the Home Department and the House to the practice which the Poor-law Commissioners had adopted of forming very large unions. He attended the board of guardians of the union in the neighbourhood in which he resided, and by the desire not of the board of Guardians but of the magistrate he had represented to the Commissioners the great inconvenience of forming such large unions. He regretted to say that they had not attended to his recommendation. The union to which he alluded, which was in the northern part of the county of Lincoln, extended to a distance of from eighteen to twenty miles from the town in which the work-house was situated, and it was consequently utterly impossible that the aged or infirm could go such a distance to seek relief. Neither could it be expected that the guardians could be punctual in their attendance at the meetings of the board under such circumstances. He had also another objection to such large unions, and that was, that where there were a great number of guardians it was impossible that matters could be deliberated upon without party feelings. This was a serious evil, and while it existed, and it must exist in all large unions, it would be impossible to go on with the business in a manner satisfactory to any party. He begged it to be understood that he had no wish whatever to throw impediments in the way of the working of the new system. On the contrary, he was the vice-president of one of the district boards of the union in which he resided, and he was bound to declare that the system worked well in that union. He had only risen to impress upon the noble Lord and the House the inexpedience whenever it could be avoided of forming large unions.

Mr. *Baines* thought, the alarms which had been raised as to the operation of the new Poor-laws were without foundation in truth, and this had been proved to be the fact with respect to the representations which had been made of the working of the system in the south. The result of the inquiry by the Committee of last year had shown that the whole of the charges which had been brought against the Commissioners and guardians had broken down, but still he was glad that the Committee was to be re-appointed, because he was persuaded that any investigation that might take place, would tend to convince the public that the new Poor-laws would operate as advantageously in the north as they had done in the south. The sooner the existing prejudices against the system were removed the better, because they must all be aware that in many parts of the country those prejudices were likely to break out into open outrage. He had not supported the new Poor-law Bill, but from the experience he had of its working, he did not hesitate to say that it would be as advantageous to the north as it had been to the south, although, perhaps, less abuse existed under the old system in the former than in the latter part of the country. Whether the new Poor-laws operated well or ill was a fact which the Committee could easily be able to ascertain, and for his part he was most anxious that they should investigate and probe into the whole system, and every part of it. By this means he was satisfied that the unfounded prejudices which were entertained upon the subject would be removed, and a proper remedy applied to any error or evil which might be proved to exist. He thought that hon. Members ought to observe great caution when they spoke on a subject so inflammable. This ought not to be dealt with as a party question, and he must be permitted to express the surprise which he felt at hearing hon. Gentlemen assert that no benefit had resulted to the poor from the new Poor-laws. If they had read the evidence taken before the Committee of last year, they would have found that the system had conferred great and substantial advantage on the poor; but while he said this he would not deny that abuses might exist, which called for and ought to be remedied. The hon. Member for Finsbury had very properly brought forward the subject of medical relief, and there were other branches with respect to which, he had no doubt, inquiry would elicit important facts, and enable the Commissioners to get rid of all those minor abuses which constituted the subject of complaint. There were reforms which might be called for—which might be necessary—but to effect them there was no occasion whatever for inflammatory speeches. He was now willing to admit, that many important benefits had been derived from the operation of the new Poor-laws, and he would not say so if he were not convinced of it, having been one of those who voted against the Bill. Had he not been convinced of this he would have retained his former opinion; but, knowing that opinion was erroneous, he did no more than his duty in the avowal which he made, that the view which he had taken was wrong. He was satisfied, that if the new Poor-laws were administered in the same spirit as they were enacted, most essential advantages would result from them, not only to the poor, but to the rich; and therefore it was that he felt surprised at the statement of the hon. and gallant Member for Oldham, that no benefit had accrued to the labouring classes from their operation. The hon. and gallant Member could not have read the evidence taken before the Committee, or he never would have made such an assertion.

General *Johnson* said, there was no evidence in the report of the Committee which went to show, that the labouring classes had admitted that they had been benefited by the alteration of the Poor-laws.

Mr. *Hodges* was exceedingly glad that the Committee was to be revived, because he considered the inquiry of last year an imperfect one. He hoped that the whole subject would now undergo investigation, and that no one question connected with it would be left untouched.

Mr. *White* said, that as the hon. Gentleman, the Member for North Lincolnshire, had alluded to the working of the new Poor-laws in the union with which he was connected, he (Mr. White) begged to say that in the Sunderland union, a union that embraced a population of 50,000, the system had also operated most beneficially to the poor. He was the president of the board of guardians of the Sunderland union, and therefore he had an opportunity of seeing how the Act worked, and from his experience he was enabled to assure the House that the alteration did confer great advantage on the great body of the poor. He had reason to know that money was given out of doors; and as to the workhouse of the union, no establishment of the kind, he verily believed, could be better or more admirably conducted. He admitted that there was a feeling against the Poor-law Bill at Sunderland, but he denied that it prevailed to any thing like the extent that had been asserted. When he canvassed the borough he represented, he was known to be the chairman of the board of guardians of the Sunderland Poor-law union. He was asked whether he was in favour of the new Poor-law, and notwithstanding he uniformly declared himself in the affirmative, he had no reason to regret his avowal. With such sentiments he could not feel otherwise than glad at the re-appointment of the Committee, because he was most anxious that if there were any harsh features in the new law they should be softened, but then he trusted that this would be done in a proper and becoming manner.

Lord *John Russell* was very glad that he had given way to the hon. Member for Sunderland, not only because he was able to speak with confidence of the working of the new Poor-law Act from his observation of it as chairman of the board of guardians of a most extensive union, but also as he afforded a complete reply to the observations of the hon. Member for North Durham, as to the dark rumours that prevailed in Sunderland, and as to the effect that they had had on the minds of the people of that place; for if such a state of things did prevail, that hon. Gentleman was more likely to lose his election as a well-known defender of the new Poor-law than any other Gentleman.

Mr. *Liddell:* The hon. Member for Sunderland had not contradicted any of his statements.

Lord *John Russell* was prepared to contend that the statement of the hon. Member was virtually contradicted by the observations of the hon. Member for Sunderland; for the hon. Gentleman, when he alluded to what he was pleased to call the dark rumours afloat respecting the new Poor-law, directly alluded to the union of Sunderland. The hon. Gentleman who spoke last, who was chairman of that board of guardians, told the electors who returned him that he would stand by the principles of the law, and, notwithstanding the rumours which the hon. Member opposite alleged to prevail, the hon. Gentleman was returned. He would advise the hon. Member to pay as little attention as he did himself to such rumours, unless he could have them from some creditable source; and he hoped the hon. Gentleman would, as a Member of the Committee which was about to be appointed, take care to examine into the facts which would be adduced before it, and not as he had stated, take assertions without inquiring into their truth from the public prints, and which the hon. Gentleman seemed to consider as absolute and sufficient authority on this subject. He should, however, be glad to show that the mere publication of such statements was not to be taken as authority on the subject. As a proof of this he would refer to what had been stated to a large assembly in the neighbourhood of Huddersfield, and which had been taken from the same source as that upon which the hon. Member relied. It was asserted that a man who was in one of the union workhouses in Cambridgeshire asked leave to go out, as he might obtain employment, and on doing so he requested that his wife might be allowed to accompany him. Upon his making this request he was told that his wife was dead, and had been buried a fortnight. Such a statement as this, made at a large public meeting, and going forth uncontradicted, no doubt was calculated to have a great influence on the minds of the multitude. The Poor-law Commissioners, on inquiry being made of them as to the truth of the case, stated that they altogether disbelieved the case, but they would take care that an investigation should take place. They immediately sent to all the unions in the county of Cambridge, inquiring whether any such occurrence had happened; and the reply from one and all of the unions was, that nothing of the kind had taken place in that neighbourhood, and that it was also added that it was not possible that anything of the kind could have occurred without its being known. Application was then made to the persons who had put forward the original statement to give the names of the persons from whence they had learnt it, that further inquiry might be made. On the name of the person who had furnished the statement being given, inquiry was made of him as to his authority; and he stated, in reply, that he had heard it from one of two gentlemen with whom he was accidentally in company, and who were strangers to him, but that they did not say that it occurred in the county of Cambridge, nor indeed did they name any particular place. He was then asked whether he could tell the name of the party who had told him, or where he was to be found; and he replied that he could not tell anything further about it, as he had heard the statement from some person he had never seen before, and whose name he did not know. Thus, then, it was put forth, without hesitation, and on the authority of a person whose name was not even known, that this circumstance took place in some union workhouse somewhere in the country, and it would have been taken for granted had not the Commissioners directed inquiries to be made into the subject. Thus, then, this pretended statement of facts, so much calculated to excite the public mind, was put forth unhesitatingly at a large public meeting. The hon. and gallant Member for Breconshire asked, whether it was intended to make inquiry into the management of workhouses. He would, in reply, observe that they would proceed as they did last year to inquire into this as well as other parts of the subject, and that, no doubt, the management of workhouses, as well as other matters under the control of the Commissioners, was a proper subject of inquiry. He had used the words of the motion which he proposed last year for the same reason, namely, that he did not wish it to be supposed that the majority of that House were anxious for inquiry merely with the view of abrogating the law, but that it should inquire into the operation of the Poor-law Amendment Act under the control of the Commissioners, and especially into the administration of the relief of the poor under the orders and regulations issued by them. The House would see that by his motion all that had been done under the administration of the law could be inquired into. He had thought that the nature of the inquiry that took place last year, as well as the nature of the proposition that he then made, showed that there was no objection to the most extensive and searching investigation. At the same time he thought that the great principle of the Poor-law should always be kept in view, namely, that a clear and obvious difference should be made between the allowance made to the destitute and the wages paid to able-bodied labourers. He believed that no one would deny that the most prevalent abuse of the old system throughout the country was the mixing up the payment of the wages of labourers with the amount of the relief given to the destitute poor. The hon. and gallant Member for Oldham said that the labourers did not acknowledge that they had received any benefit from the operation of the New Poor Law. He did not mean to assert that any labourers had substantially stated they had obtained benefits from the new law, but still he thought that the House had conclusive evidence that the labouring classes had been materially benefited, both as regarded their condition and their character and conduct by the working of the new law. As a proof of this he would mention some, certainly not of the most striking, facts on this point, which came out in evidence upon the Committee last year. The cases to which he alluded were those in which he had himself put questions to the witnesses, and elicited what he was about to state. In one of these cases under the old law there were two labourers in a parish; one of them was an idle, dissolute person, and was far from being an able workman, while the other was a skilful and industrious labourer; and it was stated that the idle labourer, by doing merely nominal work on the roads, received more from the parish than the industrious and skilful labourer, who worked extremely hard, did from his employer. It was stated in evidence that considerable irritation was excited in the mind of the good and steady workmen that he did not earn so much as the idle and dissolute labourer. The case had been reversed since the New Poor Law Bill came into operation; and the labourer, who was less skilful and industrious received a lower scale of wages. He would ask whether this was not a good lesson for the labourers of this country, that they should know that they would be rewarded for their exertions in proportion to their skill, steadiness, and industry? In another case that came before the Committee last Session, of two men who belonged to a benefit society, and who had saved money out of the proceeds of their industry, they, however, found out that in consequence of the operation of the allowance system, they were not better off than the labourers who were improvident and idle, and who spent all their money in the beer-shops. The consequence not only was, that these men ceased to save, but they drew out all the money that they had saved, and went to the beer-shops and expended it in dissipation. Since the change of the law, however, had taken place these men had found the benefit of belonging to the benefit society, and of saving from the produce of their labour. This was another proof that under the new law habits of frugality and industry had been encouraged instead of encouragement being held out to dissipation. Therefore, when he was talking of the beneficial operation of the new law, he did not so much allude to the four millions of money that had been saved to the rate-payers as to the improvement that had been effected in the character of the labouring classes, by showing that a sufficient reward was given in the wages paid to the industrious, and also that that which was formerly given to the idle, should be given to the steady and industrious. The question then was, what was the distinction that they wished to draw between the condition of those who received wages for their industry and those who were in a state of destitution? The great abuse of the old system was, that they did not make a distinction between the condition of the labourer and the destitute person. Now, the Commissioners thought that the best test that could be applied to make the distinction was the workhouse; and, certainly, experience had proved that the workhouse was a very effective and good test between, on the one hand, the able-bodied labourer, and, on the other, the destitute pauper. The effect, also, of the application of this test in the south of England, had been to raise the rate of wages. One of the objects of their inquiry should be as to whether this should be made a general and universal test. He did not, however, mean that it was the best or most proper test in such a case as had been mentioned by the gallant General (Johnson), when by the stoppage of a number of mills and factories, hands were thrown out of work, and great temporary distress was experienced in a manufacturing district—he did not mean to say, that in such a case all the persons who were thus destitute thould be sent to a workhouse, or that he should prefer that mode of relief to any other that could be devised. In such cases, he thought some other test might be applied, provided it would give security that they did not give relief to those who did not require it. Provided that a sufficient test was afforded of the distinction between the destitute and the non-destitute, the object of the law was attained. An hon. Member had asked, whether relief might not be afforded to those who were married before the passing of the act, by taking a certain proportion of their children into the workhouse. In consequence of the applications that had been made on this subject, the matter had been referred to the Commissioners. The Assistant-Commissioners had made a number of reports on the subject, and the conclusion they all arrived at, coincided with the opinion he entertained on the subject. All the Commissioners agreed, that the practice of taking into the workhouse some of the children of those who were married before the passing of the Bill, would lead to the re-adoption of the allowance system, and was likely to lead us back to the old system, which had just been got rid of with so much difficulty, and which had entailed so much mischief on the country. The Commissioners, as he believed most truly, stated that it was not possible to make such a distinction between those who were married before the passing of the law and who had since been married; and even if it could, the distinction would not be kept up. But there were other objections of the strongest nature. The taking away the children from their parents, and rearing them in the workhouses, with a view of affording relief to the latter, would do more than anything else to destroy the ties which should ever exist between parents and children. This was his own impression on the subject, but it was a matter for the Committee to decide, on investigating the subject. An hon. Gentleman had alluded to the great size of the unions that had been formed by the Commissioners. The Commissioners entertained a most favourable opinion as to having unions of great size, as they thought that such unions were much better managed than smaller unions were. He, however, thought that this was a fit subject for further inquiry, as he admitted that there were strong objections to such extensive unions, as the guardians were necessarily brought from a distance before they could be assembled, and they, therefore, might not meet so often as was desirable; and, although the relieving-officers might be most exemplary in their conduct and behave extremely well, still it was desirable, for the sake of the poor, that they should be under the superintendence of the guardians, who should have every facility of meeting together. Under these circumstances, he thought that nothing but overwhelming necessity should render them favourable to the establishment of those large unions. He had said so much on this subject, so far as regarded the operation of the law. It was said by the hon. Member for Kent, that the subject was not properly investigated before the Committee last year. This, he was satisfied, did not arise from any want of attention on the part of the Members of the Committee, for he had never seen a Committee which paid more attention to a subject which it had to investigate than that did; but he must repeat now what he had occasion to say last year, that the time of the Committee was wasted by the great number of frivolous complaints which they had to investigate, and unnecessary witnesses which they had to examine. He hoped that, by a more judicious use of their time, the labours of the present Committee would be lightened, and the whole subject thoroughly investigated within a short time; and when they had seen how the law had operated in the agricultural districts in the south of England, and the great grievances that had been got rid of by it, they should proceed to consider in what manner the law should be carried into effect in the great manufacturing districts in the north of England. He was aware that the same abuses did not exist to nearly the same extent in the manufacturing districts as formerly prevailed in the agricultural districts. With reference, however, to the allowance system, it prevailed to a greater extent than was imagined, and the Assistant Commissioners almost uniformly found, that in a union composed of fifteen or sixteen parishes, there were three or four parishes in which there existed a tendency to this abuse. It was not necessary, therefore, to make such great changes in the manufacturing districts in the north, as it had been found absolutely necessary to effect in the south, before a remedy could be applied to the abuses that existed. The relief in the unions in the north would be granted under the control of the board of guardians, rather than under the vestry. By this means, no particular or individual parish would be allowed to introduce the abuse which resulted from the allowance system, but the whole control and expenditure for the relief of the poor would be placed under the direction of the board of guardians for the union, which, in all cases, would be a much more enlightened body than the parochial vestry could be expected to be.

The motion agreed to, and the Committee was nominated.

HOUSE OF LORDS,

Tuesday, November 28, 1837.

REPEAL OF THE EMANCIPATION ACT.]

The Duke of *Newcastle* said, he rose with great satisfaction to present the petition, of which he had given notice, from the Protestant Association. That association had been established in London for the purpose of supporting those Protestant interests which those who composed it conceived to be in danger at this moment. In his opinion their object was praiseworthy, and he cordially agreed in the prayer of their petition. In that petition they stated their reasons for wishing that Roman Catholics should be excluded from seats in Parliament. When the Relief Bill was passed, it was required that Roman Catholics should take an oath that they would not support any measure the effect of which would be to weaken the Protestant institutions of this country; and it was also provided, that the titular bishops should not assume the title of their respective sees. Now they were all aware that this latter condition was not at all complied with, and in his opinion, and the opinion of the petitioners, the oath was disregarded in a most extraordinary manner. He knew perfectly well, and it gave him the highest degree of satisfaction, that there were some individuals of the Catholic faith, Members of that House, who acted differently. There was one noble Lord in particular who, on every occasion, when matters connected with the Established Church were brought under consideration, had uniformly declined voting on such occasions. This he conceived to be most highly creditable and praiseworthy on the part of that noble Lord, and he sincerely wished that his example had been generally followed. That, however, was not the case. Roman Catholics had supported measures the effect of which, he was convinced, if carried, would be most detrimental to the Protestant Establishment. Under these circumstances, it was advisable that some steps should be adopted for preventing individuals professing that faith from doing anything that had a tendency to injure the Protestant Church. He thought it was high time that the question should be seriously taken up. It was not for him to recommend any proposition on the subject. So far as their Lordships' House was concerned, he believed that the Roman Catholic Members which it contained were most honourable persons; but he thought it most desirable, so far as regarded Ireland, that Roman Catholics should be excluded from the Irish representation. The noble Duke concluded by moving that the Petition be read at length.

It was as follows.

"To the Lords spiritual and temporal of Great Britain and Ireland in Parliament assembled

"The Petition of the undersigned Protestants of the United Kingdom,

"Humbly showeth,—That your petitioners regarded the admission of Roman Catholics to legislative power as equally at variance with Christian duty, and with the Protestant principles and character of the British constitution.

"That peril to the Protestant religion, and more immediately to the Established Churches of the United Kingdom, having been apprehended from the admission of Roman Catholics to legislative power, in order to obviate this danger, and as an adequate security for our Protestant Establishments, it was, by the Act of the year 1829, for the relief of his Majesty's Roman Catholic subjects, enacted, that all Members of that communion should, previously to entering on their legislative functions, swear that they will 'defend, to the utmost of their power, the settlement of property within this realm, as established by the laws'; and also that they do 'disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, as settled by law within this realm;' and further, that they 'never will exercise any privilege to which they are or may become entitled, to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom.' That notwithstanding the security which this solemn oath was intended to provide, Roman Catholic Members of the legislature have used their utmost exertions in, as well as out of Parliament, for the destruction of the Church Establishment, especially of that part of it existing in Ireland; that they have voted for the alienation of its property, a measure characterised by his late Majesty's Prime Minister, its advocate in the House of Peers, as a heavy blow to Protestantism in Ireland;' and that they have also voted for the subtraction of church rates from the revenues of the Church of England, not scrupling to avow, as their ulterior object, that the State should withdraw its support altogether from any particular denomination of Christians, leaving all alike to the precarious maintenance of the voluntary system, but with the ultimate design, as your petitioners are convinced, of finally establishing the domination of the Popish superstition.

"Your petitioners humbly submit to your right hon. House that the foregoing brief statement establishes, beyond all controversy, the two following facts:—

"1. That upon the admission of Roman Catholics to Parliament, a certain security was intended to be provided by the legislature for the Church Establishment.

"2. That the security has proved wholly inefficacious.

"Under these circumstances, your petitioners humbly submit to your right hon. House, that it is absolutely necessary to devise some more effectual safeguard for our national establishments. That scriptural authority, and the principles of the British constitution, as well as experience, call for the total exclusion of Roman Catholics from the Legislature; and your petitioners humbly implore your right honourable House to take such steps as may be deemed advisable for the accomplishment of this essential object.

"And your petitioners will ever pray, &c."

Viscount *Lorton.*—My Lords, having been called upon to support the prayer of the petition the noble Duke has just presented to your Lordships, I must decidedly say, that no feelings of party spirit induce me to address your Lordships upon the present occasion. No, my Lords; the truly awful state of Ireland should preclude such paltry sentiments from entering into the mind of any man who is anxious to preserve British connection and the integrity of the empire. The grand and vital mistakes that have arisen in carrying on the affairs of Ireland have been occasioned by a total ignorance of its actual state on the part of our Legislators, and thus a system of concession, under the vain hope of conciliating, has thrown an immense political power into the hands of a body of men closely connected with a foreign state, which is most decidedly hostile to the civil and religious liberty and institutions of this great empire. My Lords, from having been almost a constant resident since I became a landed proprietor in Ireland, and having previously most unhappily witnessed the rebellion of 1798, by serving in Wexford, and subsequently as a general officer in the western district, I may be supposed to have acquired some experience, and can consequently give an accurate opinion as to the true condition of Ireland; and such being the case, I do not hesitate to say, that things are in a tenfold worse condition in that wretched portion of our country than at the lamentable period I have alluded to. My Lords, I may be fairly called upon to account for such opinions, and I shall find no difficulty in doing so. The great political power granted to the Roman Catholics in 1829 has been, and still is, altogether and entirely wielded and overruled by the clergy of the Church of Rome who are, with very few exceptions, and none openly, most inveterate against every thing Protestant and English, and I firmly believe that persecution was never carried to a greater extent than at present. It has been a most mistaken notion to suppose that certain Legislators (and more particularly one) have occasioned all the troubles in Ireland. No, my Lords, such is not the case. They are merely a secondary cause, and must obey the orders of their church, which they certainly have done with ardour and with extraordinary effect. My Lords, if tranquillity and prosperity are to be established in Ireland, that power, most unfortunately granted, must be withdrawn, and the poor miserable people, Protestant as well as Roman Catholic, must be emancipated, in the true sense of the word, from the most tyrannical oppression that perhaps ever was inflicted upon any population; they must also be relieved from the most miserable poverty by some mode of regular employment, which at present the great mass of the people are entirely without. I have now, my Lords, in a very cursory manner, laid before your Lordships my opinion as to the true condition of Ireland, and I shall at present abstain from making any observations upon her Majesty's Government, or on the conduct of the noble Earl at the head of it, who I trust will in future be more tender of the character of Irish landlords. I shall also refrain from any narrative of outrages, as my noble Friend last night in so able and feeling a manner laid many before your Lordships, as did the noble Earl connected with Tipperary so very clearly; but when, my Lords, the election petitions are under investigation, many most dreadful acts will be brought to light, and such as your Lordships will hardly conceive could have been perpetrated in any civilised and Christian country, and more particularly in one so closely connected with this, I still trust, great Protestant empire. My Lords, I shall trespass no further upon your Lordships' time, but in conclusion, will only say that I trust this petition will be followed up by others of a similar nature from all parts of the empire.

Viscount *Melbourne* was unwilling to trouble their Lordships on this occasion, as he believed that there were few noble Lords within the walls of the House who would be inclined to give their support to the prayer of the petition presented by the noble Duke; but he could not hear statements made of the Members of either of the Houses of Parliament having violated the oaths they had taken in the votes which they had given on some questions, without offering some observations in answer. He felt for them, and he felt for himself. The assertion which had been made was founded on the idea that the measures for which the Members had voted were founded on grounds injurious to the Established Church of England, as their oaths bound them not to support measures having such a tendency. He could not, however, admit that proposition.—He had not, it was true, taken the oath as a Member of Parliament which was required to be subscribed by the Roman Catholic Members; but if the measures which had been adopted, and for the support of which they were reproached, were injurious to the Established Church, he had violated what was a high moral obligation which he had imposed on himself. When he admitted this, however, he must express his opinion that the Members had not violated their oaths in the support which they had given to the Government. He confessed that he was rather surprised to see an individual like the noble Duke, a man of his property and of his character, stir in such a matter as this, and meddle with a measure so recently settled as the Catholic Relief Bill. Did the noble Duke recollect how it was carried through the House? With what difficulty it was finally settled? What deliberation it required? Did he remember the great political shock which followed it? And did he not imagine, in considering all these things, that now to meddle with it again—to disturb and unsettle it, after it had been so recently determined—would be again to produce as great difficulties, as great a convulsion, and as serious political consequences? The noble Duke was an advocate of what was denominated Conservative principles, and they were doubtless founded on a determination to maintain the great institutions of the country, subject to such reforms as might appear to be just and wholesome. But he could do nothing more at variance with those principles than now to attempt to disturb a measure of such importance, which had so recently been determined upon. If there were anything of a dangerous tendency at this time, or if there were any vice which ought to be guarded against more than another, it was that disposition which existed for further changes in measures which had already been adopted after great consideration, and carried with great difficulty. In a year or two after some enactment had passed it was perhaps found not to answer exactly its proposer's views, and to be attended with some inconveniences which were not expected. Then it was directly said, "We must change and alter, we have not changed enough;" but he would say that that was not in the spirit of wise legislation, and he called on the noble Duke not to give his counsel or his support to any such proposition. A measure like that of the admission of Roman Catholics into the Legislature, or placing them on an equality with all other of their fellow-citizens, was one which was not to be tried by its immediate effects, or by a few years' experience, it required a longer trial to show its real character, and the manner in which it would work; it must be tried in the time of prosperity, it must be tried in the time of adversity, in times of peril, in times of security, in times of peace, and in times of war; and it was not on the experience of a few years, or of any short period of time, that an opinion was to be formed on its actual working and tendency. He would ask the noble Duke whether he were acting on that principle which he professed, in so lightly lending his authority to disturb a great matter so recently settled by the authority of that House, and of the other branches of the Legislature.

The Earl of *Winchilsea* was anxious to address a few words to their Lordships on this occasion, because he looked on the petition now before them as of the greatest importance. It contained a clear and distinct intimation, that a strong feeling was gaining ground among the Protestants of this part of the empire, that those securities which were promised for the protection of the Protestant institutions of the state, had proved wholly inefficient, and that danger did exist, if not throughout the whole empire, at least in Ireland, to all that was dear to the Protestant religion. During the time the Emancipation Bill was under discussion, he had endeavoured to impress upon their Lordships the necessity of withholding their consent to those concessions, firmly believing that, instead of giving tranquillity to Ireland, the very power they were conceding would be used for still further innovation on everything connected with Protestantism in that part of the country. The event had justified his apprehensions; for every day fresh aggressions were made on the Protestant institutions of Ireland. It could not be doubted, that a Protestant Parliament had been established for the security and protection of our Protestant institutions in Church and State. With that feeling he had adopted the course which he deemed the clear and proper one in dealing with this question. Many noble Lords, he believed, were induced to give their support and assistance to the Catholic Relief Bill, upon the firm and honest conviction that the declarations then made by so many leading members of the Roman Catholic Church, would be fairly and fully acted upon, and that the power which their Lordships were then, as he thought unwisely, conceding, would not in any way be employed for the purpose of endangering the Protestant Church of this country, or injuring our Protestant institutions. If their Lordships would refer to the evidence, to the distinct evidence of that powerful man who now wielded the whole strength of the Roman Catholic interest in Ireland, they would see it plainly stated by that individual that he never would propose to their Lordships, or recommend to their Lordships, that any measure of concession should be granted, unless complete security was given to the Protestant Church. Looking back at the evidence in 1825, he found that evidence delivered in these words—and here he must say, that it was painful to him ever to speak on this subject, for he was afraid of offending the feelings of those who differed from him conscientiously in their religious opinions, and he could most honestly state, that there was not a man living who would feel more unfeigned pain than he should feel if he gave any cause of offence to any individual Member of that House. Before he proceeded with the evidence, he would remind their Lordships, that during the time that great measure was going through the House, he repeatedly declared his firm and honest conviction, that the members of the church of Rome would use the political power their Lordships were about to concede to them in a very different way from that which was then professed. He would ask of any impartial man, whether he was not right in his anticipation? But to return to Mr. O'Connell. In answer to a question put to him before the Committee in 1825, he said, "I would require that the doors of both Houses of Parliament should be open to the Catholics; that they should be eligible to act as judges, and to fill places of trust and emolument, from which we are now excluded. That is what I require, and what I think would satisfy them. Besides that, I should call for the actual abolition of the 40*s*. freeholders." It was demanded of Mr. O'Connell, why he should ask for the extinction of that body? and his answer was, "For the purpose of securing the established religion in Ireland; and I would further recommend, that no concession whatsoever should be made to the Catholics, unless the Established Church in Ireland is secured inviolate." It was then observed, "this is a very different doctrine from what yon have used in the Catholic Association;" and the answer was, "I do not feel myself bound by what I say in that association." He did not charge the Members of the Roman Catholic Church, who were admitted into the other House of Parliament, as a body, with acting with similar views and designs as those which he believed the great body of their priesthood were pursuing, for the total destruction, not only of the Protestant Church, but of the Protestant connection with the country; but if anybody looked to the opinions of the individual whose evidence he had just referred to, it would be found that he had repeatedly stated to the public, that he would not be satisfied until that Establishment was overthrown, which he looked upon as an incubus upon the land. The sentiments which he had now the boldness to declare, so much at variance with the evidence which he had formerly given, had justly caused an apprehension in the minds of the Protestants of this country, that that power would not only be employed in the destruction of Protestant institutions, but would end in a violent internal civil commotion. He hoped that such a melancholy event would be averted; but to avert it, there was but one course to be taken, and that was by the great body of the members of the Protestant Church in this country, declaring that they did not coincide in such sentiments, and that they would resist, to the utmost of their power, any inroad on our Protestant constitution. On former occasions, he had done justice to noble Lords of the Roman Catholic faith in that House, who had most honestly and fairly upheld, respected, and observed the sanctity of their oaths; but he could not conceal from their Lordships that a general feeling was spreading through the country, that the principles which the individual to whom he had before referred was diffusing, were most dangerous to the safety of the Protestant Church; and, therefore, anxious as he was to extend the enjoyment of political privileges to all persons, however they might differ from him in religious opinions, yet, feeling as he did, that if he belonged to the Roman Catholic Church, he should use his power as many were now doing, he must say, that if a measure were brought forward for the exclusion of members of that Church from a seat in Parliament, it should have his most decided support.

Lord *Brougham* had seldom listened to any speech with more deep regret than to that of the noble Earl who had just sat down, not on account of the force of the observations which had been made by his Lordship, not on account of the cogency of any arguments which he had employed in support of the prayer of the petition, but because of the high character of the noble Earl, for he believed that the really conscientious and honest manner in which he discharged what he felt to be his duties as a legislator on all occasions being known out of the House, the observations which he had made would tell with double force with the country upon a question which was fearfully calculated to put in hazard the general peace of the community. Therefore it was that he rose to say, that he would fain hope the noble Earl had given his judgment the same scope which he was apt to give his honest warmth of feeling, and that he would be disposed on further reflection, and on the exercise of that calm judgment which he possessed, to adopt different conclusions, both as a Member of that House, in recommending to their Lordships the measures which had been suggested, and also when in his private position he judged the conduct and motives of others. What was it that men now, in the nineteenth century, asked of the House? What was it that they now recommended? Was it not extraordinary that, having reached this, the thirty-seventh year of the nineteenth century, a petition like that presented by the noble Duke should be brought to that House?—from a respectable body of men he was willing to admit, but he was happy to say from a small one. Was it the object of the petitioners that the Legislature should take new measures of precaution to guard against evils which existed, because those which had already passed had failed? Was it that they were to take precautions against an avowed enemy? No; but they were called upon to do what was called retracing their steps. Those were smooth and easy words; they were vague and general, and they did not at first strike the mind; but they went in reality much further than they at first appeared to go; they meant, in fact, that they should repeal the Catholic Relief Bill of 1829; and to this was added, by way of qualification, to make the proposition the more palatable and more practicable, that the repeal should be confined to Ireland—that Catholics might sit in Parliament to represent this country, where their number did not exceed 400,000 or 500,000, but that in a country where their proportion to the whole people was six millions out of eight, they should be bound to speak their opinions through the medium of persons of a different religion from themselves; that they should be stigmatised as Catholics, and simply because they conscientiously differed in their religious opinion from other persons, that they should be refused the right of selecting for themselves persons of their own religious persuasion to represent them in Parliament. But besides this, to make the measure more practicable, the uninvidious, fair, equitable, statesman-like distinction between Lords and Commons was to be drawn, that Catholic Peers and their descendants should be permitted to sit and vote in this House, while the Catholic commoner should not be represented by a person of his own church. But it did not stop there. He thought this alone would be sufficient to make the noble Earl take the same view with himself (Lord Brougham) on the subject. But could the Legislature stop there? Could they stop at the Relief Bill of 1829? Must they not go still further back when they once began to retrace their steps? It was not at the Bill of 1829 that they must pause; they must go to the Bill of 1793, and even that would not do; they must even, to take security against all risks, go as far back as 1778, when the foundations of emancipation were laid, and the first blow given to the penal code. But, "Oh," said they, "there is no fear from Catholics voting as electors; the Constitution is safe if they are excluded from being elected by persons of the same religion, to represent them in the House of Commons." What! having flung open the doors of the Constitution, would they complain of the Catholics forcing their way in? The power which enabled the Catholics to become Members of Parliament would enable them to prevent the repeal. But so would the power of choosing Protestants to represent them; for it was by Protestant representatives that they had obtained their full emancipation. But disappointment had arisen as to the operation of the Emancipation Act, and political agitation and agrarian disturbance were referred to in aid. He was at issue with the noble Lord upon these questions: they were tried last night, and he thought that no one would feel disposed to move for a new trial. But, for the sake of argument, he would admit what he had denied last night, and would, if the noble Lord thought it better, allow that there was more disturbance at the present time than before 1829. But might not the same be said of the measures passed in 1778 and 1793? After the year 1778 there was almost a military revolution; yet no one thought of repealing the laws of that year. Again, after the Act of 1793, came the great rebellion, and yet it was never proposed to repeal that great statute. If they went back to repeal the measure of 1829, which proceeded from the enlightened and statesman-like wisdom of the noble Duke, for whose great capacity then displayed in the conduct of the affairs of this country he (Lord Brougham) had never expressed other than the highest admiration—talents which gave him an almost greater title to permanent fame than even his military exploits —a measure passed by the noble Duke in defiance of clamour and regardless of odium, with the hope only of adding to the prosperity and of improving the condition of Ireland—if they went back to repeal the measure of 1829, which he firmly believed was a measure of peace, they must go back also to repeal the measures of 1793; they must go still further back, and repeal the Acts of 1778, and, in fact, they must re-enact the whole of the penal code, of which it had been long said, that though cruel, it was at least consistent. The House had good reasons to urge the noble Duke and the noble Earl to pause before they tried to work on the feelings — the too-excitable feelings—of their fellow-citizens by broaching such doctrines as he had heard that night; and, for the like reasons, they should pause ere they made any representations, founded, perhaps, in conscientious zeal, but not dictated by sound judgment, or chose to pronounce their fellow-citizens and fellow-Christians unfitted for self-government—before they declared all incompetent, who acted conscientiously in the furtherance of the measures which their duty to their country compelled them to support, although they might happen to entertain different opinions from the noble Earl, from the noble Duke, or any petitioners, as to the probable tendency of the measures which they were minded to support. If they thought that those measures were safe and advantageous for the constitution both in Church and State, and were conducive to the benefit of their fellow-subjects, provided only that they differed in opinion from those noble Lords or the petitioners, were they to be denounced by a sentence which was little better than that they had forsworn themselves—that they had broken their solemn oaths? He (Lord Brougham) never read the Catholic oath according to the gloss of the petitioners. He had never considered that oath as militating against the honest and the free discharge of a Member's Parliamentary duties. He never believed it possible for Parliament to prescribe an oath which should tie the hands and fetter the judgments of its Members; or which, with the shadow of consistency, could be held to interfere with the unlimited and conscientious discharge of Parliamentary duties. If he were to admit, which he utterly denied, that in point of law the construction of the oath was such as the petitioners assumed, yet the votes which had been given by the Members of Parliament could not come within the scope of even that strict construction which they had heard of in this petition. A reference had been made upon the present occasion to an expression of his noble Friend (Lord Melbourne) relating to a heavy blow and a great discouragement to the Protestant Church in Ireland, but his noble Friend had last night most satisfactorily explained those words, by taking them in connexion with the context; and the omitted parts of the passage that his noble Friend had only said that the Irish Church Bill might for the present be felt as a heavy blow, and be considered as a great discouragement to the Protestant church, but that this would only be its temporary tendency, for he was certain that the benefits which the church establishment must derive from it would more than counterbalance any present injury. He thought at the time when his noble Friend was making this statement that it was a most unprofitable act, for he was quite certain that the mis-statement would survive, whilst the explanation would perish; and so it had already turned out. His noble Friend only last night made this satisfactory explanation, and to-night, before twenty-four hours had elapsed, the mis-representation was repeated and the explanation forgotten. It was indeed possible that the petition had been drawn up before the explanation was given, but even before the explanation the place was open to all,—to noble Earl, to noble Duke, and to petitioners—for reference, and the exact statement might have been easily discovered. But it was more convenient for their argument to remain uninformed or rather mis-informed; they chose to take that part which was more consonant with the drift of their argument, that part which made for them, and to omit with some dexterity the remainder. The imputed expression, however, of his noble Friend would not be forgotten; he would hear again and again of a heavy blow and a great discouragement to the Protestant church, whenever any question relating to church affairs was brought forward either here or elsewhere. He himself well knew, from experience, the uselessness and insignificance of all explanation and of all contradiction. Three years ago he had given some explanation or rather a peremptory contradiction relative to expressions attributed to himself. It was said that he had made the assertion, that "if little had been done in the last Session, less would be done in the next;" and it ran through the country like wildfire. He took the earliest opportunity of giving this statement a most positive contradiction. It was, he believed, the only time he had ever taken the trouble of making any such explanation, for he had always been well aware how unavailing were all such contradictions: he made a statement; it was printed and published; it was signed by him; and was circulated as widely as the circumstances would permit early in December 1834; in which statement he declared, that he had said no such thing; and that what he did say was, that during the two last Sessions, 1833 and 1834, the Sessions succeeding the passing of the Reform Bill, ten or twelve most important measures had been passed, and that those who thought that too little had been done in those Sessions, the whole question being as to the fruits produced from the Reform, could scarcely expect that more should be done in the next, because all that had been done in the last Session could not be again accomplished, and, that those several great questions which he enumerated distinctly, having been settled less remained to be done; and it was clear from the context, that in no other sense could his observations be taken. This explanation was received; it was pronounced satisfactory; but it was immediately forgotten alike by friend and enemy. The enemy continued to cherish and revive the original mis-statement; and the friend, instead of denying that he had ever uttered it, entered upon cavillings as to the expressions, and argued in extenuation of them, urging that they were possibly used in the heat of the moment, when in fact they were never used at all. No one knew better the utter falsehood of the charge than his noble Friend at the head of his Majesty's Government and his colleagues. Nobody knew better than the Ministers of the Crown, his former colleagues, that he could not have uttered the imputed statement, because they knew the measures in preparation, and which were to be brought forward at the meeting of Parliament had not the Government been displaced; but they seemed to think that it was better to allow those charges to be made and remain unanswered. He did not charge them with being agents in this matter, but they thought it better to sit by in silence, and to let persons circulate those reports, and leave them to run like wildfire through the country, whilst they remained passive and permitted attacks which indeed injured them as well as himself. He only mentioned this to point out to his noble Friend how futile were all such attempts at explanation; it was in the nature of things and of men's minds that it should be so; the slander was more highly seasoned than the antidote; it remained on the palate; the taste of the contradiction quickly passed off, whilst the scandal endured; the oil was less pungent than the vinegar, and the sooner escaped the sense; the one glided smoothly away, whilst the other left its impression, till time, conduct, and action enabled a man to over live and live down the absurd and ridiculous misrepresentation; and he hoped that his noble Friend would live through and live down the mis-statement which had been raised against him, as well as the more humble and insignificant individual who was then addressing them would outlive those affecting himself. He would say no more than earnestly to request the noble Lords opposite, and those whom they represented, to apply their minds to the real state of the country, and to cease exciting it in favour of one of the most visionary, one of the wildest and most monstrous propositions which was ever submitted to the Legislature, not only that Parliament ought to retrace its steps, but for the still more extravagant reason that the hopes founded on the passing of the Bill had not been realised, and that the failure had been occasioned by the perjury of men who had only acted conscientiously in the discharge of their duty, under the oath which they had taken.

The Earl of *Mulgrave* rose to correct a misapprehension under which the noble Viscount (Lorton) laboured, and which he had stated in vindication of his support to the introduction of this petition, and it related to the offences committed in the sister country. The noble Viscount had stated his conviction that the outbreaks which were casually occurring in different parts of that country were connected with the members of one religious persuasion. Now he (the Earl of Mulgrave) would not be dealing candidly with the House did he withhold from them the fact that the noble Viscount had formed a most erroneous conclusion. He had received a report of an outrage lately committed in the county of Monaghan, communicated in a letter from a stipendiary magistrate of that county, in which it was stated that an armed body of fifty men had the night before gone about the place and broken into several houses; that all the houses assailed were those of Catholics; and that all the persons implicated in the transaction and who had been apprehended were Protestants. He would be the last person to found a general charge on an individual instance, or to bring an accusation against any religious body, least of all against the members of the persuasion to which he himself belonged, and he would ask the noble Viscount whether he was justified in placing those outrages to the credit of the religious feelings of one persuasion? He would adduce another instance of the impropriety of such a course. A sermon was preached on the 5th of November in Manor-Hamilton, against the system pursued in the national schools, and on the 8th of November the schools were burnt down. Now this showed the impropriety of enlarging on topics which were of such a nature as to lead to the possibility of their being taken in a wrong point of view. Since that period, the Rev. Mr. Douglas a clergyman living in the neighbourhood of the schools, had received a threatening letter, stating that if he did not restore the money which he had collected for building the schools he would meet with the same fate—destruction. He besought noble Lords, therefore, not to mix up any attempt to violate the law with any religious feeling.

Petition laid on the table.

HOUSE OF COMMONS,

Tuesday, November 28, 1837.

MINUTES.] Bills. Read a second time:—Commissions of the Peace.

Petitions presented. By Mr. H. FLEETWOOD, from the Guardians of the Preston Union, against the Poor-law Amendment Act.—By Mr. SERGEANT JACKSON, from the county of Tipperary, and from Clonmel, for amending the Reform Act for Ireland.—By Mr. HOUSTOUN, from Renfrewshire, against the present Rate of Postage.—By Mr. HAWKES, from the manufacturers of Sheffield, for protection against the evil consequences resulting from the use of Illicit Marks.

CHARITIES.] Lord J. Russell brought up the report of the Commissioners appointed to inquire into the state of Public Charities.

Mr. *Hume* hoped, that after 200,000*l.* had been expended in this inquiry, the Government would now proceed to introduce a Bill for the purpose of carrying the recommendations of the Commissioners into effect. He desired to know from the noble Lord if they entertained such an intention?

Lord *J. Russell* replied, that after the attention bestowed upon the subject by Lord Brougham, it was intended to leave the matter in his hands. Her Majesty's Government certainly wished to see the recommendations of the Commissioners accomplished.

Sir *E. Sugden* said, that he observed we were to have a new tribunal to decide on election petitions, that recently a new tribunal had been established to take cognizance of affairs in bankruptcy, and that now a third was to be created, having jurisdiction over charities. He decidedly objected to the ancient courts of the country being cut up into so many subdivisions. It was his opinion, that the want of general practice would in a great degree disqualify judges from that discharge of their duties which was now so beneficial to the public.

Lord *J. Russell* hoped, that the hon. and learned Gentleman would give a patient and attentive consideration to the recommendations of the Commissioners before he decided against them.

Sir *E. Sugden* replied, that he had given the subject a great deal of attention, and the reason of his making this remark, with which he had ventured to trouble the House, was to account for his name not having been signed to the report.

Report laid on the table.

BISHOPRIC OF SODOR AND MAN.] Sir *Harry Verney* rose to move for leave to bring in a Bill to relieve the Ecclesiastical Commission of England and Wales from the duty of laying before her Majesty in Council a scheme for uniting the sees of Carlisle and Sodor and Man. The see of Man being an island in itself, the greatest inconvenience would arise from adding to that see any portion of the main land. From time immemorial the Bishop of Sodor and Man had been of the greatest use to that island. Bishop Wilson was the first person who had translated the Bible into the Manx language, and he had also collected the ecclesiastical constitutions until he had so perfected them that, if the ancient discipline of the Church were lost to the rest of the world, it might be found in all its purity in the Isle of Man. The same rev. Bishop had also founded parochial schools and parochial libraries, and had likewise founded that system of education which it had been the object of the House to extend to all parts of the empire. It was of great importance to have a resident Bishop in the island, and the present Bishop had trodden in the steps of Bishop Wilson, having succeeded in building and repairing no less than twelve places of public worship, and having founded a college, containing two hundred students, not for the purpose of adding to the emoluments of the Church, but for the purpose of extending a liberal education to the subjects of her Majesty generally. Dissenters of every persuasion were admitted, there was no sort of religious bigotry, and for the trifling sum of 8*l.* a perfect school education might be obtained, under professors from Cambridge. No test was required to be signed upon admission; and, in fact, the benefit of the see was felt in the amelioration of the condition of the inhabitants of the island. Some individuals might think that the ecclesiastical establishments might as well be superintended by the Archdeacon and resident clergy, but no Archdeacons could ever have collected such sums as the Bishop had been able to collect for the purposes he had stated. Under these circumstances, he hoped that all parties would concur in the measure he was about to propose. It was proposed in the Ecclesiastical Commissioners' Report to unite the island with the bishopric of Carlisle. This, he undertook to say, was a most inconvenient arrangement. The Bishop of Carlisle had to spend half the year at least in London, attending his Parliamentary duties; a great portion of the rest of the year in Carlisle; and if he could spare any it must be a very small portion in the Isle of Man. It was, indeed, far better to have a Bishop resident among them in the island, acting as the patron of all their interests. He was anxious to enlist the attention of hon. Members on both sides. He appealed to those hon. Members who thought that no Bishops should be in the Upper House, as their time could be better spent at home in the discharge of their episcopal duties. Those hon. Members would not approve of the proposed change, which would deprive those who had now the benefit of a Bishop's residence of the advantage they enjoyed in this respect. He would ask, if a Bishop occupied with his spiritual and other duties elsewhere, could attend to those committed to his care in the Isle of Man? He therefore appealed for support to those hon. Members, who thought that no Bishops ought to be returned in the other House; but he appealed more strongly to hon. Members opposite, who considered themselves peculiarly the friends of the Church. He called on them to retain one Bishop more on the ecclesiastical establishment of the country. No Bishop had been more practically beneficial to those over whom he had charge than the Bishop of Sodor and Man was at all times. The present Bishop exercised the functions belonging to his charge with the most animated feeling of beneficence for those over whose spiritual interests he presided. Although affected by age and infirmity, he still took a deep and lively interest in the welfare, spiritual and temporal, of all those with whom he had been so long connected. The hon. Member concluded with submitting the motion to the House, amidst cheers.

Lord *John Russell* would have supported a proposition for transferring the income of the bishopric, after existing interests were satisfied, to the Archdeacon and clergy of the Isle of Man, but he could not agree to the present motion, which he thought quite unreasonable.

Sir *Robert Inglis* would decidedly urge the Bill on the House, though upon very different grounds from those advanced by the hon. Baronet. The ground on which he proceeded he believed to be a far higher one than that of the hon. Baronet. The question at issue was not whether a new bishopric should be created; if it were, he (Sir R. Inglis) would be very ready to support such a measure, as he thought there was a necessity for more bishoprics, in order to meet the increasing wants of the community; but whether they should wantonly destroy the oldest bishopric in her Majesty's dominions, one which had furnished many saints (in the strongest sense of the word), and one in respect of which a prime minister of France had, a century since, given orders to the privateers of his country to spare the island which it comprised. This, too, they were about to do, in defiance of all the wishes of the people, as expressed in their petitions against the plan. As the motion had been made and leave given to bring in the Bill, he could not but hope, either that the noble Lord would withdraw his opposition, or that the House would overrule it.

Sir *Edward Codrington* supported the motion. He had always expressed his opposition to the bishops having seats in the House of Lords, because he considered it injurious to the country. The bishop who was not in the House, but who devoted his time to the spiritual wants of his country, ought to be held up as an example worthy of imitation.

Mr. *Shaw* said, he should give his best support to the motion of the hon. Baronet opposite.

Sir *Robert Peel* said, a commission had been appointed to inquire into ecclesiastical revenues and duties, with the view to suggest such changes as might be useful. They had encountered considerable opposition from those who thought that no change should be made. They, however, acting according to the best of their conviction, had suggested certain reforms, and recommended their adoption; and the hon. Gentleman opposite, two years after a Bill had passed, carrying into effect the reforms suggested by them, now came forward to propose their abolition. If the House of Commons took that course in one instance, it would very soon be called upon to take it in others.

The House divided:—Ayes 53; Noes 159: Majority 106.

List of the AYES.

Acland, T.
Adare, Viscount
Alsager, Captain
Baring, H. B.
Bell, M.
Blackstone, W. S.
Borthwick, P.
Bramston, W.
Buller, Sir J.
Burr, H.
Christopher, R.
Codrington, Admiral
Courtenay, P.
Darby, G.
Dick, Q.
D'Israeli, B.
Dugdale, W. S.
Duncombe, W.
East, J. B.
Estcourt, T.
Forbes, W.
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Gore, O. J. R.
Heathcote, Sir W.
Hinde, J. H.
Hodgson, R.
Holmes, hon. W.
Hughes, W. B.
Ingham, R.
Jackson, Sergeant
Jones, W.
Knightley, Sir C.
Mackenzie, T.
Mackenzie, W. F.
Maidstone, Viscount
Maunsell, T. P.
Mordaunt, Sir J.
Palmer, R.
Patten, J. W.
Perceval, hon. G.
Pinney, W.
Pringle, A.
Pryme, G.
Ramsay, Lord
Richards, R.
Round, J.
Shaw, rt. hon. F.
Stanley, E.
Vere, Sir C. B.
Williams, R.
Williams, W. A.

TELLERS.

Sir H. Verney
Inglis, Sir R. H.

List of the NOES.

A'Court, Captain
Aglionby, H. A.
Ainsworth, P.
Archbold, R.
Bailey, J.
Baines, E.
Barnard, E. G.
Barneby, J.
Barrington, Viscount
Berkeley, hon. C.
Bernal, R.
Bethell, R.
Blair, J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Broadley, H.
Broadwood, H.
Brodie, W. B.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Bulwer, E. L.
Busfeild, W.
Butler, hon. Colonel
Canning, Sir S.
Carnac, Sir J. R.
Cavendish, G. H.
Cayley, E. S.
Chalmers, P.
Chichester, J. P. B.
Clay, W.
Clive, E. B.
Clive, hon. R. H.
Crawford, W.
Currie, R.
Dalmeny, Lord
Dalrymple, Sir A.
Davies, Colonel
Denison, W. J.

Dennistoun, J.
De Horsey, S. E.
Divett, E.
Duke, Sir J.
Dunlop, J.
Eastnor, Viscount
Eaton, R. J.
Eliot, hon. J. C.
Euston, Earl of
Evans, Colonel
Evans, W.
Fazakerley, J. N.
Feilden, W.
Ferguson, R.
Fergusson, R. C.
Fitzroy, Lord C.
Fitzroy, hon. H.
Fitzsimon, N.
Follett, Sir W.
Fort, J.
Fremantle, Sir T.
French, F.
Gaskell, Jas. Milnes
Gillon, W. D.
Gordon, Captain
Goring, H. D.
Grey, Sir G.
Grimsditch, T.
Halse, J.
Harland, W. C.
Hastie, A.
Hawes, B.
Hayter, W. G.
Hodgson, F.
Holmes, W.
Hope, hon. J.
Horsman, E.
Houldsworth, T.
Houstoun, G.
Hume, J.
Hurst, R. H.
Jolliffe, Sir W.
Kinnaird, hon. A. F.
Labouchere, H.
Leader, J. T.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Litton, E.
Lockhart, A. M.
Logan, H.
Lucas, E.
Lushington, C.
Lygon, hon. General
Mackinnon, W. A.
Maclean, D.
Macnamara, Major
Manners, Lord C.
Marsland, H.
Marton, G.
Master, T. W. C.
Maule, W. H.
Molesworth, Sir W.
Monypenny, T. G.
Morpeth, Viscount
Muskett, G. A.
Neeld, J.
O'Brien, W. S.
O'Callaghan, C.
O'Ferrall, R. M.
Pakington, J. S.
Palmerston, Viscount
Parker, R. T.
Parnell, Sir H.
Pechell, Captain
Peel, rt. hon. Sir R.
Philips, M.
Philpotts, J.
Planta, rt. hon. J.
Potter, R.
Poulter, J. S.
Protheroe, E.
Redington, T. N.
Rice, E. R.
Rolleston, L.
Round, C. G.
Rumbold, C. E.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Salwey, Colonel
Scarlett, hon. J. Y.
Sheppard, T.
Shirley, E. J.
Standish, C.
Stanley, Lord
Steuart, R.
Stewart, J.
Stewart, John
Stuart, V.
Strickland, Sir G.
Style, Sir C.
Sugden, Sir E.
Talbot, C. R. M.
Thomson, C. P.
Tracy, H. H.
Turner, W.
Vigors, N. A.
Wakley, T.
Wall, C. B.
Warburton, H.
Whalley, Sir S.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T.
Winnington, H.
Yates, J. A.
Young, J.

TELLERS.

Baring, F.
Seymour, Lord

GRAND JURIES.] Mr. *Pryme* rose to move for leave to bring in a Bill to abolish grand juries in England. He was aware that the subject, though one of great and general importance, was not a very entertaining one. At times, however, it became necessary to inquire whether certain institutions had not outlived their usefulness, and did not any longer answer the end for which they were instituted. At one time the grand jury system was justly considered as one of the great bulwarks of English liberty; but now grand juries were no more than an appeal from the committing magistrate. According to Lord Somers, who was a high authority upon the point, grand juries were instituted to search out crime—to find out offences—and not, as now, merely to put cases in a train for trial. In his opinion, the grand jury system was, in many cases, an obstruction to justice. In Scotland there were no grand juries, but there was a public prosecutor; and when a judgment was given against any one it was submitted to the Lord Advocate or the Sheriff. He was not about to propose the adoption of any such principle in this country, although it would be competent for him to do so if he thought it would do good. The hon. Member proceeded to quote a variety of evidence as to the inefficiency of grand juries. Mr. Harvey Coombe, the magistrate of the Lambeth-street police-office, had stated before a Committee of the House of Commons that the grand juries, as at present constituted, were an impediment rather than an advancement to justice. The Recorder of Worcester had said before the same Committee, "After a man has been imprisoned for several weeks, it ought not to be left to a secret tribunal to determine whether there was a sufficient case against him." He wanted no intervening tribunal. He conceived that in the present state of the magistracy in England and Wales, formed as it was by enlightened and intelligent gentlemen, such a tribunal was not necessary. If it was contended that it would be a saving of time, he did not admit the force of such an argument; if there was a gain of time in one respect there would be a still greater loss in another. The time of the judge would, no doubt, be saved, but then they would occupy the time of from three to five thousand gentlemen during the year, and in this point of view more of the time of the country would be consumed. But he would never admit that time was a consideration in such cases. They ought alone to consider how justice could be most speedily and impartially administered. He would not occupy the time of the House further than to express a hope that, if his motion had no other effect, it would call attention to the subject, and that there would be further opportunities of discussing it. The hon. Member concluded by moving for leave to bring in a Bill to abolish grand juries in England and Wales.

The *Attorney-General* rose for the purpose of opposing the motion. He thought that there was a general impression in the House the other night that the House would not in future give leave to bring in a Bill unless there was a reasonable prospect that it could be carried into a law during the Session. His hon. and learned Friend, the Member for Cambridge, had asked for leave to bring in a Bill to abolish grand juries in England and Wales. Why, if grand juries were so faulty an institution, he had not proposed to extend his Bill to grand juries in Ireland, saving always their fiscal jurisdiction in that country, he had not thought proper to explain. He did not wish it to be supposed, because he opposed this motion, that he considered the institution of grand juries one of the best possible institutions for criminal jurisprudence; on the contrary, he thought that an officer like the public prosecutor in Scotland, who was appointed by the Government, liable to the same responsibility for his actions to which all other Government officers were liable, would be a far better institution. He was convinced that you must either have grand juries or a public prosecutor; and if his hon. and learned Friend had proposed, upon abolishing grand juries, to appoint a public prosecutor, he might have respectfully entertained that proposition, although he warned the House that it would be a proposition which could not be carried into effect in this country without many difficulties. But his hon. and learned Friend had not proposed any substitute for the institution which he desired to abolish; and as there was no chance of carrying such a Bill as he had proposed through the House, he must, with all deference to his hon. and learned Friend, withhold his assent from the motion.

Mr. *Warburton* could not assent to the proposition of the hon. and learned Attorney-General, that the House had on a former evening laid down a rule, that if there was no prospect of carrying a Bill into law in the course of the Session, leave was not to be given to bring it in and discuss it. To such a rule he should never for one moment yield his assent. If such a rule had been established in by-gone times, they must have kicked out in their very first stages the Imprisonment for Debt Bill, the Registry Bill, the Catholic Emancipation Bill—ay, and as an hon. Friend near him suggested, the Reform Bill itself. He felt inclined to support the proposition of his hon. and learned Friend, the Member for Cambridge, as a proposition wise and salutary in itself, and he did hope that his hon. and learned Friend would be permitted to introduce it with a view to have it submitted to discussion. If the institution of an office like that of the public prosecutor in Scotland was so advisable as the hon. and learned Attorney-General represented it to be, let him consent to the introduction of this Bill, and then, when it was in Committee let him propose a clause appointing such an officer. If his hon. and learned Friend divided the House on this motion, he should certainly have the benefit of his vote.

Lord *John Russell* complained, that his hon. Friend, the Member for Bridport, had not represented correctly the proposition of his hon. and learned Friend, the Attorney-General. His hon. and learned Friend had stated the impression of the House to be this:—that if there was no reasonable prospect that the principle of a Bill could be carried into law, it was not advisable to give leave to introduce it. Now, he was not prepared to abolish grand juries altogether; and such being the case, he should oppose the motion of his hon. and learned Friend for leave to bring in his Bill.

Mr. *Aglionby* meant to support the proposition for leave to bring in this Bill, but would not pledge himself to support it hereafter. He also complained of the manner in which his hon. and learned Friend had endeavoured to stifle all discussion upon it.

Mr. *Maule* said, that the question was, whether this Bill was a fit subject for the consideration of the House. He was of opinion that it was, and that it did not deserve to be classed with those frivolous and trifling Bills which had wasted so much of the time of the House in former Sessions. He should support the motion of his hon. and learned Friend, the Member for Cambridge.

Sir *R. Peel* said, that it was not possible to maintain the proposition of the hon. and learned Attorney-General, that the introduction of a Bill was to be resisted unless there was a reasonable chance of carrying it to a successful issue in that Session of Parliament. The mode of dealing with the introduction of new Bills must depend upon the nature and merits of each distinct Bill. There were many Bills which, although not perhaps at all likely to pass into a law, might, notwithstanding, be very fit subjects to be discussed, while others ought to be rejected without any discussion. With regard to the present measure, he must say that there were, in his opinion, very satisfactory grounds for refusing to entertain it. No practical reason had been given by the hon. and learned Gentleman for striking out of our system of criminal jurisprudence this important branch, which gave, as he believed, perfect satisfaction to the people. If the House were to consent to abolish grand juries on the plausible philosophical reasons adduced by the hon. and learned Gentleman, what was to prevent him from recommending it to abolish petty juries also, for the same specious but unsatisfactory reasons? He could tell them that it was very absurd to have a tribunal of twelve persons to try every species of offence. He could tell them that it was still more absurd to require unanimity in their verdict, and to lock them up in a room till they came, in spite of all differences, to that unanimity. These might appear to some to be good plausible philosophical arguments; and when he had carried his Bill for the abolition of petty juries, and the hon. and learned Member for Cambridge had carried his Bill for the abolition of grand juries, the only part of the community who would receive their legislation with satisfaction, would be that part of it which was in the habit of preying on the property of its neighbours. He thought the House had a right to require of the hon. and learned Gentleman to propose some substitute before they proceeded at all to discuss such a proposition as this. It was bad policy in a branch of the Legislature to condemn any portion of the jurisprudence of the country on which the lives and property of the community depended for protection, merely because a philosophic speech had been delivered to recommend such condemnation. It would be much wiser, he thought, to permit the present system to remain as it was than to deprecate that system, without any substitute being proposed in its stead. He would, therefore, refuse his assent to the introduction of the present Bill. A public prosecutor had been suggested by the hon. and learned Gentleman opposite (the Attorney-General), such as they had in Scotland; but would not the objection hold as strongly, if not more strongly, against one individual putting a man upon his trial, after hearing evidence in private, than against a grand jury? It was far from his wish to suggest to the hon. and learned Gentleman who proposed this Bill, that he ought to publish his philosophical arguments in favour of it in some magazine, but while he would offer no such advice, still, at the same time, if the hon. and learned Gentleman should act upon the advice already given to him in this respect, and would oblige him by telling him in what magazine the arguments appeared, he would promise the hon. and learned Gentleman that he would read them, and give them the most impartial consideration. At present, seeing, as he did, that no substitute was proposed for that which it was intended to abolish—seeing that grand jurors were a powerful check upon the committal of the King's subjects for trial in a public court by magistrates without sufficient grounds—and seeing that the country generally was satisfied with the present system, he believed that to abolish that system abruptly, without viewing and considering it in relation to all the other branches of the jurisprudence of the country, would be attended with bad results and much dissatisfaction. For all these reasons he was prepared to give a decided negative to the introduction of the present Bill to abolish grand juries.

Mr. *Wakley* said, that every man in England who had paid the slightest attention to the subject, knew that the grand jury was a species of Star Chamber, which served the purpose of screening the magistracy. The remark appeared to be felt, but he would repeat his belief that its only use was to screen delinquent magistrates. There were hundreds of commitments under the game-laws, which would throw disgrace on the magistracy, if the parties were brought to trial; but they were not tried, because the grand jury conveniently interposed between the commitment and the petty jury. If the House rejected the motion and disposed of the question without consideration, they would show the people of England that they were prepared to deny them justice on a most important branch of jurisprudence.

Viscount *Sandon* remarked, that commitments under the game-laws did not come before quarter-sessions at all. That court only took cognizance of aggravated offences, such as assaults. The hon. Member ought not to make a charge against the magistracy of England, without any sufficient foundation.

Mr. *Wakley* said, that some time since, in the north of England, a contest took place between a gamekeeper and a person supposed to be a poacher, in which the poacher was killed. A coroner's inquest was held on the body, and the jury returned a verdict of wilful murder against the gamekeeper. The grand jury, when the matter came before them, ignored the bill. He thought this fact afforded sufficient grounds for the assertion he had made.

Mr. Pryme replied.

The House divided:—Ayes 25; Noes 196: Majority 171.

List of the AYES.

Aglionby, H. A.
Briscoe, J. I.
Brotherton, J.
Bulwer, E. L.
Chichester, J. P. B.
Currie, R.
Davies, Colonel
Duncombe, T.
Eliot, hon. J. C.
Evans, W.
Finch, F.
Hawes, B.
Hume, J.
Jephson, C. D. O.
Leader, J. T.
Marsland, H.
Maule, W. H.
Pechell, Captain
Potter, R.
Rundle, J.
Salwey, Colonel
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Yates, J. A.

TELLERS.

Pryme, G.
Warburton, H.

List of the NOES.

Acland, T. D.
A'Court, Captain
Adare, Viscount
Ainsworth, P.
Alsager, Captain
Anson, hon. Colonel
Archbold, R.
Attwood, T.
Bagge, W.
Bailey, J.
Baines, E.
Baker, E.
Bannerman, A.
Baring, F. T.
Baring, H. B.
Barnard, E. G.
Barneby, J.
Barrington, Viscount
Bateman, J.
Bateson, Sir R.
Beamish, F. B.
Belfast, Earl of
Benett, J.
Bentinck, Lord
Berkeley, hon. F.
Berkeley, hon. C.
Bethell, R.
Bewes, T.
Blackstone, W. S.
Blair, J.
Blake, M. I.
Blakemore, R.
Blennerhasset, A.
Blewitt, R. J.
Blunt, Sir C.
Bolling, W.
Bowes, J.
Bramston. T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruges, W. H. L.
Bryan, G.
Burr, H.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Christopher, R. A.
Clive, Viscount
Clive, hon. R. H.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Courtenay, P.
Craig, W. C.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
D'Israeli, B.
Divett, E.
Duckworth, S.
Duke, Sir J.
Duncombe, W.
Dunlop, J.
Eaton, R. J.
Eliot, Lord
Erle, W.
Estcourt, T.
Etwall, R.
Fazakerley, J. N.
Fitzroy, Lord C.
Fitzroy, hon. H.
Fitzsimon, N.
Follett, Sir W.
Forbes, W.
Fremantle, Sir T.
Gaskell, James Milnes
Gibson, J.
Gibson, T.
Gladstone, W. E.
Gordon, Captain
Goring, H. D.
Grimsditch, T.
Halford, H.
Harcourt, G. S.
Hayter, W. G.
Heathcote, Sir W.
Henniker, Lord
Hinde, J. H.
Hodges, T. L.
Hodgson, R.
Holmes, hon. W.
Hope, G. W.
Hope, H. T.
Horsman, E.
Houldsworth, T.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
James, Sir W. C.
Johnston, General
Johnstone, H.
Joliffe, Sir W.
Jones, W.
Knight, H. G.
Knightley, Sir C.
Langdale, hon. C.
Lascelles, W. S.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Litton, E.
Lockhart, A. M.
Logan, H.
Mackenzie, W. F.
Maclean, D.
Macnamara, Major
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C.
Maunsell, T. P.
Maxwell, H.
Monypenny, T.
Mordaunt, Sir J.
Morris, D.
Muskett, G. A.
Neeld, J.
Nicholl, J.
O'Brien, W. S.
O'Callaghan, C.
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Parker, R. T.
Peel, Sir Robert
Pendarves, E. W.
Perceval, Colonel
Perceval, G. J.
Philips, M.
Phillpotts, J.
Protheroe, E.
Ramsay, Lord
Redington, T. N.
Rice, right hon. T.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Sandon, Viscount
Seymour, Lord
Shaw, right hon. F.

Sheppard, T.
Slaney, R. A.
Smith, J. A.
Smith, R. V.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E
Stanley, Lord
Stansfield, W. R.
Strangways, J.
Strickland, Sir G.
Stuart, V.
Style, Sir C.
Sugden, Sir E.
Surrey, Earl of
Thomson, C. P.
Tracy, H. H.
Tufnell, H.
Turner, W.
Vere, Sir C. B.
Vivian, J. E.
Vivian, Sir R. H.
Whalley, Sir S.
Wilberforce, W.
Williams, R.
Williams, W.
Williams, W. A.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T.
Winnington, H.
Wood, T.
Young, G. F.
Young, J.

TELLERS.

Dalmeny, Lord
Stanley, E. J.

Leave refused.

SMALL TENEMENTS.] Mr. *Aglionby* moved for leave to bring in "a Bill to facilitate the recovery of possession of tenements after due determination of the tenancy." It was not necessary for him to trouble the House with the details of the measure, as the Bill which he desired leave to introduce was substantially the same as the measures on the same subject which he had brought forward in the last two Sessions. There was a positive necessity for some alteration of the law relating to landlord and tenant with regard to the recovery of small tenements; and while he was anxious to relieve the landlord from the difficulty with which he had to contend, in consequence of the present state of the law he made due provision for the protection of any party who might be unjustly dispossessed of his holding. Where tenements, under the value of 20*l.* a-year, were improperly held over after the expiration of the tenancy, he proposed to invest two magistrates with jurisdiction to afford relief to the landlord, and in all cases beyond 20*l.* he meant that the party seeking possession should be entitled, after action brought, to go before a judge for the purpose of obtaining, by a summary proceeding, an order for the delivery of the possession of the premises wrongfully withheld. This was the general effect of the Bill; but, if in the course of its stages, any suggestions should be made for the purpose of rendering it more perfect than it was, without interfering with its principle, he could only say, that he would be most happy to adopt them.

Leave given, and Bill brought in.

FEES ON CONTROVERTED ELECTIONS.] Mr. *Hume* rose for the purpose of calling the attention of the House to a subject which intimately concerned every individual Member, not only of the present, but of all future, Parliaments. The object which the motion with which he meant to conclude had in view was, if possible, to ascertain how far the expenses of controverted elections could be lessened. He wished it had been in his power to suggest any plan for regulating the expenses of counsel, as well as the fees of the House in such cases; but although he was not able to say how far their power extended in the former case, he had no doubt whatever, that the latter was a matter which was entirely within their control. The present scale of fees had existed since the year 1785, and certainly it was high time that some alteration on the subject should be made. He would not trouble the House by entering into a detail of the abuses of the system, but he might be pardoned for mentioning one or two instances, which would show how monstrous it was. By the Standing Order, or original rule, the sum of 2*s.* 6*d.* was charged for every witness who might be examined. He could refer to one case, in which the number of witnesses was only nineteen, while the charge was for 487, and this arose from the circumstance of every party, who during the investigation, might be called back to answer even a single question being treated as a distinct witness. As often, therefore, as a party giving evidence before a Committee was recalled for examination he was considered as a new witness, and this practice it was that had led to the multiplication he had stated of 19 into 487. In this case, instead of 2*l.* 10*s.* a sum of 60*l.* 17*s.* was actually paid. He would now show, that the same system prevailed with respect to papers given in evidence. For every paper produced during the inquiry, the charge was 2*s.*, and it followed, according to the present practice, that if the same document were presented twenty times, there would be twenty 2*s.* fees to pay. By this means, the individual fees payable during the inquiry were swelled to a sum of from 100*l.* to 1,000*l.* Now, as every Member of that House might be subject to a proceeding of this kind, it was a duty which they owed to themselves to remedy the evil of which they complained, and to throw as few impediments as possible in the way of trying contested elections. He was anxious last Session to bring the subject forward, but was prevented by the sudden termination of the Session. The fees charged in public offices had undergone inquiry, and two years ago, at his suggestion, a commission was appointed by the Government, and what was the result? Why, that the fees payable in fourteen of the public offices connected with the Customs and Excise had been abolished, and only thirteen offices remained in which fees were once payable. He hoped soon to see all such fees done away with. He was not aware that there could be any objection to the inquiry which he now proposed, as he believed every Member of that House was anxious to ascertain how far the expenses of election petitions could be lessened. It should not be forgotten, that compensation had already been given to the officers of that House for the emoluments in the way of fees of which they had been deprived, and even if the abolition of the fees payable in the investigation of controverted election petitions were to burthen the expense of that House with a few hundreds a-year additional, it would be of little consequence in comparison with the good which such an alteration would effect. With this view he brought forward his present motion, and therefore, without further observation, he begged leave to move "that a Select Committee be appointed to inquire into the fees on the trial of controverted elections."

Mr. *Warburton* hoped, that his hon. Friend would comprehend in his motion, not only the fees of that House, but all fees charged under the authority of the Speaker. In cases where petitions were reported to be "frivolous and vexatious" surely some control should be exercised over the charges for fees to counsel. He apprehended that the Speaker had power to allow them or not. [Cries of "*No, no.*"] He believed he stated only what was the fact, as the Speaker had the appointment of the officer by whom such costs were taxed. They all knew how large a proportion of the costs of a controverted election the fees of counsel formed, and, therefore, he hoped that his hon. Friend would make this subject a part of his motion.

The *Speaker* said, that although he had the appointment of the taxing officer, he had nothing whatever to do with the costs beyond granting the certificate under the Act of Parliament which enabled the parties to recover their costs. He acted merely in his ministerial capacity.

Mr. *Hume* said, that he had no objection to have such an inquiry as would enable them to ascertain the whole of the expenses, but he doubted whether they could carry the investigation beyond what he proposed,

The *Speaker* said, that the inquiry must be limited to the fees paid under the authority of the Act of Parliament. He had no authority whatever to do more in such case than to grant, when applied to for the purpose, the certificate to enable the party to recover his costs.

Motion agreed to, and Committee appointed.

POST MASTERS VOTING AT ELECTIONS.] Mr. *Fitzroy* rose, pursuant to his notice, to move for a return of the names of persons in the employ of the Post-office against whom complaints had been made for voting at the late elections, and also of those who had been dismissed for that cause. The hon. Member said, that the grounds on which he moved for this return were, that at the late election for the borough of Lewes, which he had the honour to represent, a person in the employ of the Post-office there had voted for him, and had since then been dismissed from his situation. He had been given to understand, that a similar rule had not been applied in other cases where parties in the employment of the Post-office had voted for other candidates. In that he might have been misinformed, but at all events he could form no correct judgment on the subject until the returns for which he moved were laid before the House. If it should appear to be the general practice in all cases, he could not complain; but if it were not, it was a case of hardship to which he should feel it his duty to call the attention of the House. This motion was in effect an act of kindness to the Government, as it would give them an opportunity of correcting, if it were erroneous, the very general impression that had gone abroad, that never had the influence of Government been more strongly used to effect the return, than at the last general elections. The returns for which he now moved would go far to rid the Government of the imputation, if it were unfounded.

Mr. *Francis Baring* seconded the motion, and said, he was equally as anxious as the hon. Member that the House should have the returns before them. If any dismissals had taken place from the Post-office for voting at elections, it was not the result of a regulation made at the moment. Notice had been given in 1835 under the late Government, in consequence of many persons in the Post-office having voted at the elections, that if in any future election any person so employed should have complaints made against them for having voted at all, no matter how, they would be severely dealt with, which was well understood to mean that they would be dismissed: and wherever any such complaints had been made, and the fact established, the parties were dismissed, without any distinction being made as to the party for whom they voted. He begged to deny the imputation cast by the last speaker, that the Government had used, most strongly used, its influence to affect the returns at the last elections. He was aware that charges of that kind were made in some of the newspapers, but of those he was not disposed to take any notice, but he was disposed to notice charges of a more tangible nature; one of these had been made in a letter from a gentleman connected with his (Mr. F. Baring's) own county, in which he had charged the Government with gross oppression, and canting and clamorous hypocrisy, with reference to the late elections. Now, he did think that a gentleman who felt himself warranted in making that charge ought in justice to himself and to the public, and to those charged, to bring it publicly forward and substantiate it by proofs, if he had any, and he would most readily give him the fullest opportunity of so doing.

Sir *Charles Knightley* said, that he did not know the individual to whom the hon. Member alluded, but this he could state, that the complaints of the conduct of Government with respect to some of those who had voted against them at the last election were not confined to one individual, or to one county. He would beg to call the attention of the House to a case which had already made its appearance in some of the public papers. The facts were stated on the authority of the Rev. Mr. Charles Gilbee, a gentleman entitled to the highest credit. The hon. Baronet detailed the facts as they appeared in the following extract of a letter, addressed—

"TO THE EDITOR OF THE NORTHAMPTON HERALD.

"Sir,—A most scandalous act of injustice has been lately inflicted upon a respectable individual in this parish, which deserves to be held up to public execration. About eight months ago I made an application to the Postmaster-General for a penny post-office at Kilsby, the parish having long felt the inconvenience of receiving their letters from Daventry, in the ordinary way of delivery in distant villages. His Lordship was pleased to comply with my request, in a very polite and handsome manner; and in a short time after I was applied to by the office-keeper at Daventry, to recommend a suitable person to keep the office at Kilsby. In accordance with the general wish of my parishioners, I named Mr. and Mrs. Wood, persons of undoubted integrity, and worthy of the most unlimited confidence. They were accordingly appointed, and sworn in before one of the magistrates at Daventry. About three months after this a letter was received by the office-keeper at Daventry, from the Earl of Lichfield, containing the appointment of a Miss Wall to the office at Kilsby, the daughter of a Dissenter, and actually under sixteen years of age. I immediately wrote to the Postmaster-General, to state this circumstance, and to inquire why Mr. and Mrs. Wood should be removed. To this his Lordship replied that he had appointed Miss Wall on the recommendation of the Treasury, and that it was not in his power to revoke the appointment so long as she was competent to discharge the duties of the office. In the course, however, of a few days I received another letter from his Lordship, stating, that in consequence of Miss Wall being under sixteen he had cancelled her appointment, and had written to the Treasury for another name. I immediately sent a petition to the Treasury, signed by forty-five respectable individuals in the parish, in behalf of Mr. and Mrs. Wood. This petition has not been acknowledged in any way; but another person, a Miss Lee, also a Dissenter, has been since appointed. As I could obtain no answer from the Treasury, I determined upon writing to Lord Melbourne himself, feeling assured that he, at least, would not lend the sanction of his name to what appeared to me so wanton an act of injustice; but still I have received no answer. And thus, without any reason being assigned, the office is taken away from Mr. Wood, who has for four months discharged the duties of it to the highest satisfaction of the whole parish.

"CHARLES GILBEE."

He thought it his duty to bring this case under the notice of the House.

Mr. *Francis Baring* was afraid he did not perfectly understand the charge of the hon. Member. The points of his statement, as far as he could collect them, seemed to be, that on the recommendation of a clergyman, a penny post-office was established at Kilsby, and that a man named Wood was appointed as keeper of that office, without any consultation of the proper authorities. In a few months, on the recommendation of the Treasury, Wood was removed, and another person appointed in his place. This appeared to be the whole charge, and he could only say, that as long as certain appointments continue vested in the Government, a repetition of similar occurrences was likely to take place.

Motion agreed to.

HOUSE OF COMMONS,

Wednesday, November 29, 1837.

MINUTES.] Bills. Read a third time:—Commissions of the Peace.

FRENCH FISHERMEN.] Captain *Pechell* would avail himself of that opportunity of putting a question to the noble Secretary for Foreign Affairs. It would be in the recollection of the House that he presented a petition last Session from the owners of fishing-boats on the coast of Kent and Sussex, complaining of the conduct of the French fishermen on that coast, in pursuing a course calculated materially to injure, if not to destroy, the fishery. It appeared, however, that the subject of complaint not only existed on the coast of Kent and Sussex, but had extended to that of Norfolk and Suffolk. He wished to know whether Government had taken any steps with a view of putting a stop to this great grievance to our fishermen, and whether such interference had been attended with a favourable result, so that the French boats with their trawlnets would no longer come upon our coast, and impede the English fishermen during the mackerel and herring fishery.

Viscount *Palmerston* replied that his hon. and gallant Friend must be aware that the question put by him involved a subject of discussion between the French and English Governments of a much more extensive nature than he had described. It was true that frequent collisions arose on the coast between the crews of the fishing-boats of the two nations; much more serious differences, however, had arisen respecting the boundaries of the oyster fisheries of the two countries off Jersey. In the latter case a joint commission had been appointed by the English and French Governments, which had been empowered to make a permanent line of demarcation between the fisheries of the two countries, and which, at the same time that it did justice to the claims of the English fishermen, did not do injustice to the French. The Report of the Commissioners as to the line had not yet been received, but he hoped that very shortly he should be enabled to announce a satisfactory result of their abours. With respect to the question now put, his hon. Friend must be aware that it involved a very different matter, and one of much greater difficulty, and could only be settled by the Governments of the two countries. He could not state what progress had been made on the subject, but he could assure his hon. Friend that the attention of Government should continue to be directed to it, and whatever could be done should be done consistently with the principles involved in the treaties between the two countries. The object of the Commission which had been appointed was confined to the oyster fishery at Jersey and on the French cóast, and it probably would not be convenient to refer to it this much larger question. The subject was one of great importance, and the most convenient mode of settling it would be by an amicable discussion between the Governments of the two countries.

REMISSION OF PUNISHMENT.] Sir *C. Knightley* moved for copies of any correspondence which may have passed between the Secretary of State for the Home Department and the chairman of the quarter sessions for the county of Northampton relative to the liberation of William Smith, who was convicted of destroying his father's will, and sentenced to transportation for seven years. He brought forward this motion as he considered that the Secretary for the Home Department had not acted with propriety in this case, for he commuted the sentence of transportation, which had been passed on this convict for destroying his father's will, by which his nephew would have lost considerable property, into the term of imprisonment for three months in the Penitentiary, at Milbank. This had been done without making any communication to the chairman of the quarter sessions at Northampton, who tried this person. He thought that by this proceeding a great insult had been offered to the magistracy of the county of Northampton, and that the Secretary of the Home Department had been guilty of a gross abuse of the prerogative of the crown.

Lord *John Russell* said, that the motion of the hon. Baronet was of a most unusual nature, and he trusted that the House would not accede to it. The reasons why the punishment of this convict was commuted were shortly these:—A memorial was sent to him by Dr. Watson, who stated himself to be the clergyman of the parish where the convict lived, and it was signed by that gentleman and several other respectable persons in the parish. It stated that the man had undoubtedly been guilty of destroying his father's will, but it had been done under feelings of great excitement on his part, and that he appeared sincerely to repent what he had been guilty of; and it also added that he was in such a bad state of health, that the carrying the sentence into effect would most probably occasion his death. This petition came under the consideration of the Under-Secretary for the Home Department who recommended that the convict should be pardoned. He (Lord John Russell), however, under all the circumstances of the case, thought it advisable that the sentence should be commuted in the way in which it had been, namely, after the man had been imprisoned three months in the Penitentiary. If he had entertained any doubt as to the guilt of the man he should have sent to the chairman of the quarter-sessions in Northamptonshire; but in cases where there was no doubt of the guilt of the party, and where reasons might appear to arise for the remission of any portion of the punishment, it was not usual to make application to the judge who tried the prisoner. Hundreds of cases of the kind had occurred at the Home-office in which no application had been made to the judge. Above all, in cases where the putting the sentence in force was likely to be attended with danger to the life of the prisoner, the judge was not questioned on the subject. The hon. Baronet, however, seemed to think that the prerogative of mercy was in the chairman of the quarter sessions, and not in the Crown. He did not believe that any instance had ever occurred of calling for papers of this kind under such circumstances and should certainly oppose the introduction of such a precedent.

Motion negatived.

HOUSE OF LORDS,

Thursday, November 30, 1837.

MINUTES.] Bill. Read a first time:—Commissions of the Peace.

POST-OFFICE — MR. HILL'S PLAN.] The Duke of *Richmond* rose to present a petition, most respectably signed by bankers, merchants, and traders of the town of Elgin, praying, in the first place, as the system of railways was now becoming extremely general, that his noble Friend, at the head of the Post-office department, might be directed to re-model the present mode of communication by post, so that greater expedition and a more frequent delivery of letters might be insured. The second prayer of the petition was much more important. The petitioners complained that they paid a postage of 14*d.* or 15*d.* on letters from London, which they considered exorbitant, and they proposed that the plan published by Mr. R. Hill should be acted on, especially as they understood that the Post-office Commissioners, one of whom was a Cabinet Minister, were of opinion that the experiment should be tried. He, however, was of opinion, that in the present state of the revenue, this could not be done. He feared, that the Chancellor of the Exchequer could not spare so large an amount of revenue. There was one point which, when he was connected with the Post-office he had always advocated, and which he still continued to support. He was then of opinion, and he now retained the same feeling, which he held in common with the practical officers of the Post-office, that the rates of postage ought to be reduced. If the rates of postage for short distances were reduced, it would be beneficial not only to the towns and neighbourhoods immediately interested, but to the country at large. By taking that step, they would effectually get rid of the illegal conveyance of letters, and the revenue would not suffer. The revenue would be as great, if not greater than at present. If it were not practicable to adopt Mr. Hill's plan, still he thought it would be right to pay some attention to the opinion and authority of the officers of the Post-office, and of several Postmasters-general, and to consider whether it would not be proper to reduce the rate of postage in certain cases. He could not avoid remarking that statements had been made by an individual, in which it was alleged that enormous sums of money had been plundered in the Post-office department for a series of years. He would not allude to the offensive manner in which this charge was made by the individual in question, nor would he take further notice of the accusation, for he believed where that person's character was known, no mischief could arise from his representation; and on the other hand, where his (the Duke of Richmond's) character was known he was convinced it would be felt, that even if he had had it in his power, he never would do an act that would justify such an allegation. The fact, however, was, such were the law and the regulations by which the department was governed, that it was impossible for any Postmaster-general to defraud the public, even if he were so inclined.

The Earl of *Lichfield* said, the matter of this petition was of so much importance, that he felt called on to trouble their Lordships with a few observations connected with it. He should confine himself, as shortly as he could, to an expression of his own opinion on the subject to which the petition referred. The question to which it referred had caused much excitement throughout the country, and that excitement had increased to a very great extent since the report of the Commissioners was published last summer. His noble Friend had alluded to the statements made by an individual who had particularly applied himself to this subject, and who had thought proper to arraign his (the Earl of Lichfield's) conduct. He should not make any observations on the extraordinary language which that individual had thought proper to adopt in stating his opinion through the public press on the conduct of those who were at the head of the Post-office department. It was, however, his duty, at all events, to take the first public occasion which offered for the purpose of endeavouring to disabuse the public mind with reference to statements made by the individual to whom he alluded—statements that were calculated to do infinite mischief to the character of a department in the correctness and honour of which the public had always placed implicit confidence. As to Mr. Rowland Hill's proposition he would say, that no man regretted more than he, that it could not be followed without materially affecting the revenue. It should, however, be examined thoroughly, for the purpose of seeing whether any part of it could properly be recommended to the public for adoption. He had, in the last Session, made a few observations on this subject, and he then stated, that in his opinion the plan was not practicable, and to that opinion he still adhered. The question, be it observed, was not merely whether the revenue would suffer by the adoption of this plan. It went much further. It went to this point—that were the plan adopted, instead of a million and a half of money being added to the revenue, after the expenditure of the establishment was provided for, he was quite certain that such a loss would be sustained as would compel them to have recourse to Parliament for money to maintain the establishment. The plan proposed a postage of 1*d.* throughout the country, and the argument was, that the increased number of letters would meet the deficit in the revenue. Now, the number of letters from which the present revenue was derived was annually 42,000,000 or 43,000,000; and if the reduction proposed was made, the number of letters, in order to secure the existing amount of revenue, must be increased from 42,000,000 to the enormous extent of 480,000,000. It was very well to talk of public accommodation, and to argue, that in consequence of the very low rate of postage an immense number of additional letters would be written; but it was madness to suppose that the correspondence of the country could possibly be increased to such an amount and extent as he had described. The great principle of the plan was to have one uniform rate of postage. This, however, could not, in his opinion, be effected. Suppose the rate of postage in all instances to be fixed at 6*d.*, would persons residing at a short distance be satisfied to pay the same rate that was charged to those who lived much further off? If such a plan were adopted, they would immediately find the former party complaining of the hardship that was imposed on them, and calling on Parliament for relief. These were his reasons for considering the plan as impracticable. The individual to whom his noble Friend had alluded had taken upon himself to make observations upon those who had not at the time any opportunity of answering them—observations, too, of such a nature as were calculated to produce a very mischievous effect on the public mind. Now, he would distinctly say, that the statements to which he alluded were scandalous and infamous libels, having no shadow of foundation to rest upon. The noble Earl read an extract from one of these publications, in which the Post-master-General's conduct was spoken of in vituperative language. Such, said the noble Earl, were the terms in which this individual thought proper to indulge; and he should like to know whether such language as this did not, on his part, call for the strongest possible condemnation. The individual alluded to had stated that large sums of money, contained in letters, were lost in their transit through the Post office. Now, what he was about to state would tend very much to prove that no loss of the sort could be attributed to the Post-office. No person had a right to make such a charge as that unless he had clearly ascertained that all the alleged missing letters had been posted. All monies applied for at the Post-office, on account of letters which had not, from misdirectionor other causes, reached their destination, was immediately paid. Of the sum of 600,000*l*. alleged to be thus lost or abstracted, 400,000*l*. and upwards had been recovered and restored, leaving 200,000*l*. unaccounted for. Now, one half if not the whole, of that sum, as his, noble Friend himself must have had opportunities of knowing, might never have been posted. How many letters might have been stolen by clerks or servants, to whom their delivery at the Post-office had been intrusted? Beyond this, could any man suppose, if such an immense sum of money as 200,000*l*. had been lost or disappeared in its transit through the Post-office, that the country from one end to the other would not have been in an uproar? The thing was impossible. Now, he should state one case, to show that when letters were posted, and complaint was afterwards made of their non-arrival, every effort was made to set the matter right, and also to prove that letters posted were not so easily lost as some persons might suppose. When he first became connected with the Post-office he received a letter from this individual, stating that a petition and letter had been addressed to him, and that neither the one nor the other had reached its destination. He caused a strict and close investigation to be entered on for the purpose of finding this letter and petition. He ascertained that it had been posted, and put in the same bag at Edinburgh. It occurred to him as a very curious circumstance that this letter and petition, both referring to the same matter should alone be missing from the bag, and he wrote to Mr. Wallace to that effect, and stating that every inquiry should be made on the subject. In two or three days afterwards he was apprised that the letter had actually been received, but that this individual had, in consequence of his mind being occupied by a multiplicity of business, carelessly thrown it aside. Another charge made by this individual against the Post-office was, that seals were violated. Was it possible to conceive a more mischievous or disgraceful charge against a public establishment? He should here state one other instance to show how charges of this sort were got up. This individual had written to him to know whether it was possible to post letters after the eight o'clock despatch for the next day; and he wrote, in answer, that they might be posted until twelve o'clock. Immediately afterwards four letters were put into the office by this individual, the seals of which were said to have been violated. They were sealed in the most peculiar manner. He wished that it was possible for him to show to their Lordships the way in which they were sealed. The mere dropping them into the letter-box was sufficient to fracture the seal. One seal was broken in that way, and was so found in the letter-box. It was a frank, and on the outside of it was a memorandum calling on the individual to whom it was addressed to apprise the writer of the fact, should the seal be broken. He wrote to the person to whom he had often alluded, stating the facts, but he had heard nothing further on the subject. And yet, on such a foundation as this, a charge of the violation of seals had been gravely made. Having made these remarks, he should only say, that if hereafter similar charges were made in the same quarter, he would confidently leave it to their Lordships to judge how far they were worthy of belief or attention.

Lord *Brougham* had to present a petition on the same subject from (as we understood) certain merchants and traders of London He had examined the arguments of the petitioners, and the statements made by Mr. Hill; he had also listened attentively to the observations of the noble

Earl, who had come forward with a counter-statement, and he must say that nothing which he had heard had in the least degree shaken his opinions as to the utility and feasibility of Mr. Hill's plan.

Petitions laid on the table.

HOUSE OF COMMONS,

Thursday, November 30, 1837.

MINUTES.] Bills. Read a second time:—On the motion of Mr. BAINES, Municipal Officers Declaration.—Read a first time:—On the motion of Mr. LEFEVRE, Highway-rate Application.—On the motion of Mr. E. ELLICE, Salmon Fisheries Protection (Scotland).

Petitions presented. By Sir THOMAS ACLAND, from the Dean and Chapter of Wells, against uniting the two Sees of Carlisle, and of Sodor and Man.—By Sir ROBERT INGLIS, from Wem, in Shropshire, to the same purpose.

CONDITION OF THE LABOURING CLASSES.] Mr. *Slaney* rose to move fo a Select Committee to inquire into the condition of the labouring classes, with a view to devising some means of national education. He was sorry to bring forward his motion in the absence of the noble Lord, the Secretary for the Home Department, as that noble Lord was particularly interested in the subject. He had intended to move for leave to bring in a Bill on the subject; but, in deference to one for whose opinions he had great respect, he had abandoned that intention. It would be his duty, in the first place, to bring under the notice of the House the vast increase which had taken place in the more humble portion of the community, especially in large towns; and, in the second place, he would show that their condition had not been improved in the same ratio as that of the other classes, more especially with respect to the education of their children. He would have to trouble the House with some details upon the subject, as there were so many new Members who might be unacquainted with the immense increase which had taken place in the manufacturing population, and the absolute necessity there was for a better system of education for those classes. As compared with the agricultural population, the manufacturing classes were in 1801 as 6 to 5, in 1811 as 9 to 7, in 1821 as 8 to 5, while in 1837 they had increased to more than 2 to 1. In the thirty years the increase in the agricultural population had been 45 per cent, while the manufacturing classes had increased upwards of 100 per cent. He had made an estimate of five of the largest towns in the country. The increase had been during the thirty years as follows:—In Manchester from 1801 to 1811, the increase had been 22 per cent; from 1811 to 1821, 40 per cent; and from 1821 to 1831, 47 per cent. In Glasgow the increase during the first period had been 30 per cent; during the second period, 46 per cent; and, in the third period, 38 per cent. In Birmingham during the same periods the increase had been 16, 24, and 33 per cent. In Leeds the increase in the first period had been 18 per cent; in the second period, 30 per cent; and in the third period 47 per cent. In Liverpool the increase had been in the first period 26 per cent., in the second 31, and in the third 44. Thus, in the five largest towns of the United Kingdom, excluding the metropolis, the increase had been, in the first of the three periods at an average of 22 per cent; in the second ten years, 37 per cent; and in the last 42 per cent. In the manufacturing counties the increase had been to that of the agricultural counties in the following ratios:—In Staffordshire 3 to 1; in Warwickshire, 4 to 1; in the West Riding of Yorkshire, 6 to 1; in Lancashire 10 to 1; in Middlesex, 12 to 1. He would not take up the time of the House by dwelling upon the importance to the country at large of those articles of import to the working up of which the manufacturing portion of the population owed its prosperity. But he wished especially to call the attention of hon. Members to the great increase which had, in the meantime, taken place in the means of comfort and luxury which were at the command of the rich and middle classes. If, however, for a moment they turned their attention from the lower to the middle class, they would see that during the last 13 or 14 years the command which the latter had acquired over the luxuries, the comforts, and the decencies of life had greatly exceeded the corresponding advantages to the humbler portion of the community. This was most clearly shown by the amount of taxation, for example, on stage-coaches, it had doubled, on one-horse carriages it had increased two-fifths, on male servants one-fourth; on horses, on tea, sugar, and coffee, the increase had been proportionably great. Now, if they contrasted this state of things as regarded the middle class with the condition of the lower orders, they must perceive, that however they might see grounds to rejoice at the advantages enjoyed by the one, they could not but deeply lament the condition of the other. Of people dwelling in the large towns there were two classes, the skilled and the unskilled; and while he acknowledged that the skilled had in many instances improved in condition, and had a greater command over the necessaries of life than at any former period, he should be enabled to show to the House that the unskilled had many privations, and even those in the command of higher wages were worse off than at former periods; or if not worse off, in that low state which called upon them to endeavour to do something for their improvement. Without going into details, he would refer those interested in the condition of the working classes to different reports on their condition—to the report upon education—the Factory Commissioners' Report in 1833—the report upon manufacturing employment, 1830, —and the report upon the handloom weavers, 1834. In the latter report it was stated that there were no less than 800,000 weavers dependent upon this employment, in a most miserable condition. From a return by the Statistical Society of Manchester it appeared, that in the town of Manchester one-tenth of the entire population lived in cellars, and in Liverpool, one-seventh, that was to say, 31,000 lived in cellars, and most of them in courts with only one outlet. From a close examination of 166 houses in Bristol, it appeared one-third were without drains, half of them without water, and 200 children above seven years old were sleeping in the same room with their parents. In a district in Marylebone, that opulent parish, there were 578 families, 380 of whom had only one room. It might be stated that if he turned to the increase of deposits in savings banks, he would find that the humbler classes had improved in their condition; but when the return came to be analysed it would appear that the proportionate number of deposits from the workmen in the staple trades of large towns was very small. At the last meeting of the British Association, in Liverpool, Mr. Felkin had read an analysis of the depositors in the saving-banks at Nottingham, which had been published in the *Statistical Journal*, and from this it appeared that out of 6,100 only 910 were connected with the staple trade of the place. In respect to those of the humble classes engaged in friendly societies the amount deposited in 1830 was 714,000*l.*, and the number of the depositors 4,553; and in 1836 the amount of deposits had only increased to 726,000, the number of depositors to 5,300, an increase very small in six years. He would now call their attention to the number of criminals committed in England and Wales, which in the year 1805 was 4,600; in 1810, 5,100; in 1815, 7,800: in 1821, 13,000; in 1828, 16,500; in 1831, 19,600; and in 1832, 20,000. The number had increased in the following years, and had very little diminished down to the present moment. That was to say, that in 20 years (from 1810 to 1832) the committals had increased fourfold, while the population had only increased 32 per cent. If they took the average of seven years, the first at 1819, the second at 1826, and the third at 1833, they would find that in the first period the number of committals had been 72,000; in the second period 95,000; and, in the third period, it had increased to 131,000—so that, while the population had increased in the same period only 18 per cent, the committals for crime had been 90 per cent. Taking the numbers as compared with the population, it would appear that the committals for crime in 1811 had been one in 1,600; in 1821 it had been 1 in 860, and in 1831 it had been 1 in 686. The number had been something smaller in the last year, but it was by no means satisfactory evidence of an improvement in the condition of the people. It varied from 100 per cent. diminution in Northamptonshire to an increase in Staffordshire and Warwickshire of from 10 to 19 per cent. He held in his hand a rather curious return from the metropolitan police offices, from which it appeared that in the year 1831 the number committed was 72,800, and in the year 1832 it was 77,500. The particular class he wished to call the attention to, was those committed for drunkenness, of them it appeared there were, in 1831, 23,700, and in 1832, 25,700. There had been since then, he was happy to say, a decrease in the number of committals. This decrease, however, was principally to be accounted for by the improved state and strictness of the police. He next wished to call their attention to the state of Liverpool, and he regretted that he did not see the noble Lord, the Member for that town in his place, as he was sure he would bear him out in the statement he was about to make. By a return laid before the statistical section of Liverpool, it appeared that out of a population of 230,000 the criminal population of that town was 4,500 males and 4,300 females. He wished now to call their attention to the proportion of crime to the population in different parts of the kingdom. In England and Wales it was 1 in 619. In Bristol 1 in 219. In the county of Middlesex, 1 in 336. In the county of Lancaster, 1 in 480. In the county of Chester, 1 in 490. In Hereford, 1 in 508; and in the county of Anglesea, 1 in 8,000. There was now another subject to which, after stating the vast increase of crime, he wished to call their attention. He held in his hand a return of the number of gallons of spirits which had been used in the United Kingdom for the last twenty years. In 1817, there were used 9,200,000 gallons; in 1827, 18,230,000; in 1837, 29,227,000—that was to say, the consumption of spirits had trebled in twenty years, while the population had increased only one-third. The result, therefore, was, that the consumption of spirits had increased in a nine-fold degree with respect to the population. A statement had been made by a Gentleman well-known for his accuracy relative to the consumption of spirits, and according to that calculation the consumption of spirits had increased to such a degree that every person who was more than twelve years of age consumed no less than a gallon and a half of raw spirits per annum. He should feel indebted to hon. Members who would answer that statement satisfactorily. He could not but think that it was necessary to direct the attention of Parliament to this subject, because he was convinced that the statements he was about to make were inconsistent with the welfare and happiness of the people. He had stated, that the amount of the consumption of spirits was no less than a gallon and a half per head. But if the House were to look to the calculation in another point of view, and consider who really were the consumers of spirits, they would find that the amount was increased nearly double. Some persons were willing to cast great blame upon the humble classes for their indulgence in spirits; but it should be remembered that spirits were, in fact, the poor man's opium. It was spirits that gave him some little relaxation from the misery by which he was surrounded. Having adverted to the state of the parents, he would next, with the leave of the House, make a few observations relative to their children. In speaking of the education of the lower classes, he could not but feel the great debt of gratitude that was due to a noble Lord (Lord Brougham) for the great exertions that he had made to improve their education. He could not help also mentioning the name of the hon. Member for Waterford (Mr. Wyse), to whom great praise was due for his exertions in the cause of the poor. He would not found his data upon those returns alone that had been made relative to Manchester and some of the large towns, as they had been shown to be defective, but would refer to returns which he knew to be accurate, and which he would confidently state, deserved the attention of the House. As there were no general returns upon the subject he was compelled to avail himself of those partial returns which he had been able to procure. He would trouble the House with reading some extracts from a publication issued from the statistical society, relative to the condition of the labouring poor. The hon. Member read a comparative statement of the numbers of the labouring poor in the towns of York, Bury, Manchester, Liverpool, and the township of Ashton and Staley Bridge. For the purpose of showing the state of education in these populations he had taken the proportions of the numbers of those who received instruction in public or private schools. He had divided the instructed part of the labouring people into two classes—those who went to day schools, and those who went to Sunday schools. In the city of York, those who went to day schools were to the rest of the population in the ratio of 17 per cent., whilst those who attended Sunday schools were only 3 per cent., making a total of 20 per cent. In Bury, the attendants of the day schools were 13 per cent., of the Sunday schools 15½ per cent., making the total of those who received instruction of any kind in this large town only 28 and a fraction per cent. In Manchester and Salford, 10½ per cent. went to the day schools, and 11½ per cent. to the Sunday schools, making a total of 22 per cent.

In Liverpool, the attendants at the day schools were 12½ per cent., at the Sunday schools only 1½: total, 14 per cent. In Bolton, 6 per cent. went to the day schools, and to Sunday schools 15½ per cent., making a total of 21½ per cent. In the large commercial town of Bristol, but 4½ per cent. of its population received the benefits of instruction in the daily schools; and only 8½ per cent. attended the Sunday schools, making a total of 13 per cent. In Ashton and Staley Bridge, the Sunday schools were attended by not quite 3 per cent., but the Sunday schools showed a rate of 23 per cent., making a total for this township of not quite 26 per cent. And in the five parishes of Westminster, the proportion of those who attended day schools was, to the whole population of the city, no more than 10 per cent., whilst those who attended Sunday schools were only 3 per cent. It appeared, therefore, from those returns, that the number of those who went to any kind of school was, in York only as 1 in 5 to the population of that city; in Bury, as 1 in 3½; in Manchester, as 1 in 4½; in Liverpool, as 1 in 7; in Bolton, as 1 in 5; in Bristol, as 1 in 7; in Ashton and Staley Bridge, as 1 in 4; and in Westminster, as 1 in 8; but, however valuable the instruction in Sunday schools might be, no one could think that Sunday instruction alone could be sufficient. It appeared from this report, that in many cases the school-rooms were so small and badly ventilated, that the atmosphere was quite oppressive and dangerous. In one instance forty children were found in a room only ten feet by nine; and in another a perch was discovered with a cock and two hens upon it in one corner of the room, and a dog kennel in the other. The vast proportion of children who went to day schools received no instruction at all worthy of the name, speaking of Manchester, Liverpool, Salford, &c. The greater portion of the teachers were quite incompetent to their task, and in many cases were only induced to undertake it because unable in any other way to support themselves. One master being asked if he used the globes in teaching geography, replied in the affirmative, adding that one globe was for one half of the earth, and the other for the other half. Another was asked did he teach reading, writing, Latin, Greek, &c., answered "Yes," to every query, and the visitor exclaiming "*Multum in parvo*," he eagerly said, "Yes—you may put that down too." In another instance a mistress said she gave the children instruction both as Protestants and Catholics, for "she let both catechisms go together, so that no harm could come." He asked those who felt an interest on this subject, who were desirous of benefitting the humbler classes, to turn their attention to these documents, and see how melancholy a picture they exhibited. It would appear that in the large manufacturing towns to which he had referred the proportion of children between the ages of five and fifteen years was 25 per cent. or one-fourth of the whole. For these, certainly, instruction ought to be provided; but the daily schools in Bolton furnished instruction only for one in sixteen; Bristol only for one in twenty-four; and in the populous districts of Lancashire only one in forty-six of the population. But numbers were no criterion of improvement, and he had shown the House how grossly ignorant were many of those to whom the instruction of the rising generation in these districts were committed. He did not deny that there were many excellent schools, but he said, there ought to be the means of instruction provided for all, which now were only available to few. By the returns of Mr. Horner, who had made a report on the state of the factories, it appeared from an examination of the children of the ages of thirteen and fourteen, above the operation of the education classes of the Factory Act, that there were of the boys forty-nine and a half per cent. who could not read, aud sixty-seven per cent. who could not write their names. Of the girls there were fifty-seven per cent. who could not read, and eighty-eight per cent. who could not write their names. As a general result, it appeared that half the children in all the manufacturing towns had no means of obtaining education; and he could with confidence assert that three-fourths of the poorer children throughout the great towns of this country were without any effective education. Let them compare the state of education in England with other countries. He had returns in his hand, which showed how much England was behind other countries. In Nassau, the population were educated in the proportion of one to six; in Saxony, one in six; in Prussia, one to six; in the State of New York, one in four; in Switzerland, one in five; and in England only one in eight, and in some of the large manufacturing towns only one in seventeen. These returns he had obtained with considerable trouble, for owing to the indifference of the Government to the subject, no official returns had been procured in relation to it. He called upon both sides of the House to lay aside their party animosities, and to turn their undivided attention to this important subject. He lamented to think that Gentlemen who represented large communities should be so indifferent on a subject which was so deeply interesting to their well-being and happiness. It was shameful for Gentlemen who were such a short time since before their constituencies, and who pledged themselves to promote their interests in Parliament, to betray such inattention when a subject which so deeply concerned them was under discussion. It was not for himself he claimed their attention. If the subject were disregarded in that House he could tell hon. Gentlemen that they would have to account for it when they presented themselves elsewhere. He called on the noble Lord who sat near him—he called on the Gentlemen who supported him—to give their aid to his plan for it was a Reform measure. He called on the right hon. Baronet opposite to give his assent to it, for it was a Conservative measure, for it was a measure that would uphold the interests and promote the comforts of the humbler classes. It would be presumption in him to hope that his plan would be received by the House more than as a matter of suggestion. He begged, however, before he entered into the details of such a plan to call their attention to some facts. It must be admitted by every one that a separate plan of education must be framed for Churchmen and Dissenters. He would suggest that it should be done by the British and Foreign and the National Schools; and he would further suggest that a rate of not more than sixpence in the pound should be raised in places consisting of not above 5,000 inhabitants, to be voted by the parishioners in vestry; and this being raised, or any less sum, by subscriptions or donations, the Government should add a fourth to it, or any proportion that might be deemed proper, from the Consolidated Fund, and that the whole should then be divided between the British and Foreign and the National Schools, according to their respective number of scholars. He was convinced that if facilities were thus given to persons to exert themselves, they would immediately take advantage of it. There ought, likewise, to be a Board or Minister of Education, and a standing committee appointed, from whom proper returns on the subject might at all times be obtained. There ought also to be schools for teaching school-masters. He did not pretend to say, that this was the plan that ought to be adopted; he merely threw it out as a suggestion, but, having spoken to several persons interested in this subject, he had not found that there was any objection to such a scheme. Where there were many Dissenters the proportion of them would be large, and they would pay largely; where, again, there were many Churchmen, they would have large proportions of land, and they would pay largely also, so that there would be a due apportionment. One individual could not perform anything important by himself in this country; he could only bring the subject before the public and Parliament, and trust to receiving the support of the Government in it. He did not believe that the House was aware of the proportions of the different denominations that existed in the large towns of this country. He had procured a return, to which he would for a moment refer, of the number of Sunday scholars in several towns, stating the Christian denominations to which they belonged. In Liverpool the Established Church had 6,318 Sunday scholars; Catholics, 7,000, and Dissenters, 8,350. In the towns of Manchester and Salford, where the population was 250,000, the number of Sunday scholars belonging to the Established Church was 13,025, to the Catholic was 4,500, and to the Protestant Dissenters was 25,280. In the city of Bristol, where the population was 112,000, taking all the scholars, and not the Sunday scholars only, the number belonging to the Established Church was 4,370, and to the Wesleyan and other Dissenters, 8,860, being twice the number belonging to the Established Church. But he had on this subject a rather curious return, which he thought would be interesting to the House. He had a return of the number of heads of families and lodgers resident in the towns of Manchester and Salford. The number of those who belonged to the Established Church was 26,000, of those who were Protestant Dissenters was 12,090, of those who were Roman Catholics was 7,200, and of those who made no religious profession at all was 4,480. How did the numbers stand in another and a neighbouring district, which he was sorry to denounce as one of the most neglected in the whole country? In Dukenfield, Staley-bridge, and Ashton, the number of heads of families, &c., who belong to the Established Church was 3,100, of those who were Protestant Dissenters was 2,400, of those who were Roman Catholics was 1,600, and of those who made no religious profession at all was 4,500. Was not that a circumstance which proved that not only inquiry, but that improvement also, was wanted in those districts? It was needless, he hoped, for him to enter into further details on this subject: for if those which he had already quoted were not sufficient to obtain an answer from her Majesty's Government, he should despair to obtain one, and should console himself with the reflection that he had discharged a painful duty, and had discharged it to the best of his ability. But he could not believe that either the Government or the House would fail to attend to this subject. Indeed, he called upon them, in the name of humanity, in the name of justice, and in the name of religion, to make exertions to improve and ameliorate the state of education among their poorer fellow-countrymen! Was it just, he would ask, to pass penal enactments to send poor men's children to distant settlements, when they had no means of judging between right and wrong? There were several gentlemen, few he hoped in that House, to whom it would be useless for him to address himself on the score of humanity; but perhaps the ground of economy would awaken them to a consideration of this subject. What had been the result of not extending education? Why, the county rates had increased, and the prisons had been filled with criminals. The expense of prisons, prisoners' maintenance, prosecutors and constabulary, was a million sterling per annum! He was confident that affording a good education would be the greatest economy. Ignorance was the most costly thing the State could possess. In the immediate neighbourhood of the House there was a Penitentiary which had cost the country 350,000*l.*, of which nearly the whole might have been saved by educating the children of the poor. But the Government of the country took those who were hardened in iniquity, and subjected them to a process of penal discipline which was relied upon for effecting a change more miraculous than what was sought for by the alchymists of old. It was impossible to convert the hardened criminal into that innocent state in which he might have been preserved if the Government of the country had done its duty to him. Had the Legislature begun with the best means of preventing crime, namely the education of the helpless youth, ten times as much good would have been done, at ten times less cost. He assured them that he did not believe that the splendid edifices which he saw around him stood upon safe foundations. The great body of the humbler classes in the crowded towns were aggrieved, and what else could they feel when they saw their children exposed to strong temptation, whilst the Government had provided for them only severe and fruitless punishments, but had made no provision for their instruction or support? When he saw her Majesty in her splendid palace, surrounded by the nobility of the land, he wished to God he could present to her some of the children of her poorer subjects, and he was sure she would not turn from them with contempt. He called upon that, her first Parliament, in this the first year of her reign, to do something for them, if it were only for her sake. He hoped her Majesty's Ministers would take the subject up—he hoped that hon. Gentlemen on the other side, who were loud in their advocacy of the poor, would assist him, so that in this matter at least all sides in that House might unite, omitting all party considerations for the good of the community. The hon. Member concluded by moving for a Select Committee.

Sir *George Strickland* thought, the House and the country were much obliged to the hon. Member for his assiduity upon such an important subject. His hon. Friend, however, had forgot to mention that the Government and that House had at various times granted a sum of 20,000*l.* for the purpose of building schools—thus meeting the very difficulty started by his hon. Friend. He could not agree in that proposition of his hon. Friend which went to raise a sixpenny rate upon all property in the country. It would be a most dangerous principle, for it would teach the people to depend for education upon the Government, in place of the parents, upon whom all such responsibility ought to rest. Let them grant money for building schools, and let them promote education in every way that was possible, but let them not teach parents to neglect the education of their offspring. With these few observations, he had much pleasure in seconding the motion.

Mr. *Brotherton* said, as the hon. Member for Shrewsbury had alluded to the state of ignorance and degradation in which the humble classes of Manchester and neighbouring towns were placed, he felt called upon to state that he must admit the truth of the statement. He had the honour of presenting lately a petition from the borough of Salford, for a system of education that would give every class of her Majesty's subjects the benefits of education; and he had attended one of the largest and most respectable meetings in the town of Manchester, at which the same object was discussed. He could take upon himself to say there was a st ong feeling in that neighbourhood in behalf of a national system of education. No subject could be of higher importance.

Lord *John Russell* was sure that the House would be of opinion that his hon. Friend the Member for Shrewsbury deserved great credit for the intentions with which he had brought forward this subject and for the industry with which he had collected such various and interesting details. His hon. Friend had moved for a Committee of inquiry; and to the appointment of such a Committee he for one had no objection. At the same time he must observe, that he fully agreed with his hon. Friend in thinking that if any large or efficient plan of education were to be introduced into that House, or to be carried through Parliament, it ought either to originate, or at least be supported, by Her Majesty's Government. For his own part he had long been persuaded that it would be a great benefit to the country, if by any well conceived plan of education they could diffuse education itself more generally through the community. Whatever might be the proportion of scholars of various sects in the different schools, and whatever might be the statistical returns made to the Committee, of which his noble Friend Lord Kerry was chairman, it was an undoubted fact that a lamentable degree of ignorance existed in this country. He wished that there was no more melancholy proof of it than was contained in the report of the Committee for the improvement of prison discipline, and in the testimony of the chaplains of the different gaols, in which they stated that by far the greatest majority of the prisoners under their care had a total ignorance of every truth of religion and morality. When he turned, however, to the consideration of the question whether any plan of general education could be introduced at present, he saw that there were various obstacles which would prevent him from then proposing any such plan. One very obvious reason was, that the attention of the House was likely to be occupied for some time to come with measures which had heretofore been under the consideration of Parliament, and which deserved to be still further considered by it. Another reason was, that it would require the utmost skill and discretion to discover the means whereby the various obstacles in the way of any general plan of education could be surmounted. He was certain that, if any plan were attempted in which the religious feelings of the country were not consulted, it would be a signal failure, and that failure would be an obstacle to the success of any plan which might be tried subsequently. But, admitting that the religious feelings of the country were, as they ought to be, consulted, then came the consideration how they were to reconcile the differences existing between the Established Church and the Dissenters—the Church being anxious that its catechism should be taught in the schools, and the Dissenters being extremely jealous and sensative as to the introduction of any measure which might trench on their principles and on their right of free opinion. It would shock all these feelings, and it would also shock the civil and political feelings of the country, if we were to introduce into it any plan of education imitated from the model of those foreign countries which his hon. Friend had mentioned—if, in a word, we were to square and regulate, as is done in Russia and Prussia, the schools and the plan of education adopted in this country. These considerations presented many obstacles to the introduction of any national plan of education by the Government at the present time. He wished, likewise, as another motive for delay, to see the effect of those discussions on the subject which had already taken place in the country, and which, he expected, would soon be renewed in Parliament. He was glad—nay, he was delighted beyond measure—

to see the public attention of the country directed to these discussions. He could not but expect that from the various meetings which had already been held, and which he was sure would soon be held again, some valuable light would be thrown upon the plan hereafter to be adopted, and upon the system to be acted upon for the purpose of reconciling the differences of various sects. He knew, also, that a noble and learned Friend of his, whose name was identified with the subject of education, and who had ever shown the deepest interest for the more general diffusion of it—he meant Lord Brougham—had not only introduced last year a Bill upon a particular portion of this subject, but had also since then turned his attention to forming the details of a plan by which education would be more generally diffused throughout the kingdom. Seeing, then, that attention wus thus excited on the subject, and expecting that we should soon have further means of judging what was the best plan to be adopted, he should finish his observations by declaring, that whilst he gave his assent to this motion, he was fully impressed with the belief, that though it would be proper for Parliament to take, ere long, decisive measures for the promotion of education, it was still a matter not to be taken up hastily by any Government, for if they unhappily introduced a plan which excited either resentment or repugnance on account of religious feelings, or which gave additional motives for dissension between the Established Church and the great body of Dissenters, they would not be furthering, they would only be obstructing, the great cause which they had at heart. Therefore, whilst he said that some such plan ought to be adopted, he must particularly desire the House and the country not to consider him as pledged to any plan on the subject. He should be prepared, however, to keep his attention fixed steadily upon the subject as one of the most important, and to the great masses of the people of the country one of the most interesting which could possibly come under the consideration of Parliament.

Viscount *Sandon* agreed with the noble Lord who had just sat down, that it was desirable that Government should pause before it took any definitive measures upon such a subject as the present. He thought it better to strengthen the hands of the societies which at present existed than to institute any new scheme.

Mr. *Slaney*, in explanation, said he never contemplated a compulsory rate. He wished that rate payers should have the power of assessing themselves for the purposes of education.

Motion agreed to.

IRISH CONSTABULARY.—LIEUTENANT BLAKE.] Colonel *Perceval*, in rising to bring forward the motion of which he had given notice, said, he had hoped that her Majesty's Ministers would have conceded to him the papers that he had asked the House to give him in the first notice that had been entered in his name. He was led to hope that the papers would have been granted to him; for, from the conversation he had had with the noble Lord, the Secretary at War, he considered the nole Lord to have on his part no objection to the production of the charge against, and the sentence upon, Lieutenant Blake, of the 55th regiment, at the period stated in the paper of the House of Commons. But then he was referred to the right hon. the Member for Kircudbright. It was on this account he put his motion on the paper, in the hope that from five to seven in the evening her Majesty's Ministers would be able to make up their minds upon this subject. In the papers that he sought for, the ground of dismissal was stated with respect to the stipendiary magistrate Blake—that very stipendiary magistrate being the same Mr. Blake who had been cashiered when an officer of the 55th regiment. But he found now, from the course pursued by her Majesty's Government, that it would be necessary for him to go more into detail. He asked the House to grant him those charges against Mr. Blake, and that sentence, the approbation of the Prince Regent thereon, with a view to show how he, an individual in the county which he had the honour to represent, and, what he felt still more, those whom he had the honour of representing, had been treated by her Majesty's Government in Ireland. He understood that it had been stated, that Mr. Blake had been appointed to the commission of the peace ten years ago. With that appointment he had nothing to do. In the month of May last, when a return was made of the stipendiary magistrates appointed under the existing Government, his attention was drawn to the appointment of Mr. Blake by a noble Lord, with a view of bringing the conduct of the Government before the House; but he felt a delicacy in drawing attention to by-gone events with a view of injuring any individual. It was not until subsequent events brought the same Mr. Blake into a prominent position before the public, that he felt himself compelled to recur to by-gone transactions. It was forced upon him now to do this in his own defence; he was obliged to do it in consequence of the imputations that had been cast upon him in another place by a high authority—by one whom, as he was the representative of their gracious Sovereign, he should not say one word that was disrespectful against, nor that could be calculated to hurt the feelings of that noble individual; for he respected her Majesty too much to say a word disrespectful of her representative. It had been stated by that high authority, that he (Col. Perceval) had preferred certain charges against Mr. Blake, and that the Irish Government most readily g anted the investigation that he had prayed for. He felt that the Irish Government had acted very differently towards him, when he prayed for an investigation, than they did to others, when the attack was made against that high-minded individual, Major Browne. The noble Lord he before alluded to had sent Major Browne and Mr. Crossley to aid Mr. Blake. Mr. Blake had accompanied, in the month of January last, the hon. and learned Member for Dublin from Castlebar to Sligo: he was present at the speeches made by that hon. Member—he had dined in company with that hon. Member in January last, when those spirits came from other places to infect the county of Sligo with agitating turbulence, which had hitherto been unknown to it, and by which those individuals had reduced that county to the degraded state in which it now was. On the 1st of February afterwards the same individual, Mr. Blake, was appointed to the ostensible and responsible situation of a Government magistrate. It appeared that the noble Lord who represented her Majesty was not responsible for this, but the individual, Mr. Blake, was sent down to aid in the distraction of Sligo; and he was sent down in a situation of trust, having previously in language expressed his political partisanship and his hostility to him. He challenged her Majesty's Government to disprove any statement that he felt it to be his duty to make. It was stated in another place that he had refused to enter into an investigation after he had called for it. The noble Lord opposite would recollect that in the contest for Sligo the first day's poll was the 1st of August, and on the 19th of August he wrote to the Under Secretary, Mr. Drummond, stating his opinion of the conduct of Mr. Blake, and calling upon the Government to grant him an investigation into that conduct. He received an answer from Mr. Drummond, expressing the readiness of the Government to grant him an investigation, but calling upon him for details. By return of post he sent an answer to Mr. Drummond, in which he disclaimed any intention of taking upon himself the office of a public prosecutor. He stated certain facts, of the truth of which he had personal cognizance, and to which, perhaps, he should have to swear before long. He did state facts, which he felt it to be his duty to state, when called upon for charges; but it was far from his intention in doing so to exclude the charges that might have to be brought by his constituents. Sunday was the 15th of October, and on the day preceding, Colonel Shaw Kennedy sent to him to state, that Mr. Blake complained that the letter impeaching his conduct sent by him was withheld from Mr. Blake. He replied, that he had had no communication with Mr. Blake; that his only communication was with the Secretary's office, and if Mr. Blake had not a copy of the letter, it was not his fault; that he presumed it would be found in Colonel Shaw Kennedy's instruction. He added, too, that all his papers were in the hands of Mr. Tracey, and he desired that all should be shown to Colonel Shaw Kennedy. When he found that the investigation into Mr. Blake's conduct was to be solely confined to the charges stated in the letter he had written, he saw that the Government were about to throw their shield over Mr. Blake; that it was not to be that sort of liberal investigation which had been granted to the Radicals. He said it without meaning offence to any one; he meant it was not to be that sort of investigation which was granted into the conduct of that high-minded individual, Major Browne. How was the document impeaching Major Browne's conduct authenticated? He was present in the court; and the most responsible and the most respectable of those who signed that document against Major Browne declared that he had never seen it, that he had never read it, and that he knew nothing of the charges it contained. He stated this fact upon his own responsibility, and if any thing he said could be disproved, then he was not worthy of attention in or out of that House. Now, he asked, when the charges against Mr. Blake's conduct were made known to him in May last—when he knew all about a gentleman who had been preferred for going with the hon. and learned Member for Dublin, from Castlebar to Sligo—when these things were so well known to him, and to so many others, he could not conjecture why they should be unknown to the Government. He recollected, when his noble Friend (Lord Stanley), the Member for North Lancashire, was Secretary for the Colonies, and that Lord Althorp recommended Mr. Blake as a stipendiary magistrate in Jamaica, he believed the noble Lord, though Mr. Blake was recommended by his Colleague, inquired into his character, and finding him wanting in that respect, if Mr. Blake were appointed, he struck him out, or if he were not, the noble Lord refused giving the appointment. This was another reason to show that her Majesty's Government in Ireland knew nothing of the parties they appointed. He should not say one word more on this part of the case, as it would be the ground of action elsewhere. Her Majesty's Government, however, restricted him to the case contained in his letter, when there were a volume of occurrences to be proved which would have disgraced the appointers and the appointee. Had not the Lord-Lieutenant sent down some one as a check upon Mr. Blake in the county, God knows what would have happened! Under the circumstances, however, he was advised, by counsel, not to enter into a partial case. He did not wish to sacrifice his constituents to his own feelings; and he stated at the time, that he should take the opportunity of bringing all those occurrences before the House of Commons, a course of proceeding which was now no longer necessary, as Mr. Blake had been dismissed. When, however, it was said, that the restricted case was to be entered upon, up jumped a Mr. Marcus Costello, who said, on behalf of his party, that they were ready to proceed with the extended case. He at once grappled with the offer, and after a Queen's counsel had been consulted, and decided that the full case might be gone into, then Mr. Marcus Costello drew back, and said his party would not go into a full case. When he was told that the proceedings should be in the nature of a court-martial, he sent to Colonel Shaw Kennedy a copy of the court-martial upon Lieutenant Blake. Of the seven charges that had been preferred against Lieutenant Blake, he should only read the fourth: that charged Lieutenant Blake with most outrageous and dastardly conduct, on the 16th of August, 1813, towards Captain Cloome, in having waylaid and severely beaten him with a stick, and having knocked him down, repeated his blows several times, until Captain Cloome was enabled to draw his sword, when he (Lieutenant Blake) ran away, and a description of his person was circulated amongst the different troops in Ireland. The finding stated, that on the fourth charge the prisoner was guilty, and he was accordingly sentenced to be cashiered. Then followed the approval of the Prince Regent in the usual terms, and it was determined, that the sentence should be read at the head of every regiment. He had yet to learn, why the Government refused to lay the papers he required upon the table of the House. They were to be found upon the orderly-book of every regiment, and appeared to be known everywhere but in the castle of Dublin. Another occurrence had been imputed to him by papers in the support of the Government, that he, as an Orange magistrate, attended at the case of a man charged with murder. He did not attend it. There were seven magistrates attended, and of these five who had signed the committal, including the Government magistrate, agreed that Mr. Spelman should be bailed; and he had to add, that he believed not one of the magistrates was an Orangeman. He found it necessary to disprove the statement respecting Mr. Spelman, and should now conclude by moving for "a copy of the charges, finding, and sentence of a general court-martial, held at Harwich on the 9th of August, 1816, and continued by adjournment to the 26th of the same month, upon Lieutenant Richard Blake, of the 55th regiment, together with the approval of his Royal Highness the Prince Regent, and the orders of his Royal Highness the Commander-in-Chief in reference thereto."

Colonel *Conolly* seconded the motion, and said: In rising upon the present occasion, I am actuated by two considerations, of which the first is essentially connected with the subject of the motion which my hon. and gallant Friend has just made, and in the second of which I cannot attempt to conceal from the House that my own personal feelings are very much involved. I fully participate in the feeling of profound respect which has been expressed by my hon. and gallant Friend for the high and exalted office of the individual by whom my mortification has been occasioned; but I still must take the liberty of trespassing on the attention of the House, and claim their indulgence while I bring under their notice a case of a most extraordinary description concerning that noble individual and myself. In deference to the exalted station of that individual, in profound respect for his office, as the representative of the Sovereign in Ireland, upholding the dignity of the Crown in that country. I yield to no man; but in proportion to the exaltedness of his station, is the mortification which I feel at the tone and language which have been made use of by him. I will, however, in the first instance, address myself to the subject of the motion immediately before us. There have been statements made in another place, which go to discredit some statements of mine made in Ireland, which in fact impute to me the misstatement of certain events connected with this individual, Mr. Blake. This has evidently arisen from a great misapprehension on the part of the noble person in question, from whom that imputation has emanated. I have been charged with having made an erroneous statement with regard to the transactions connected with the murder of Mr. Allen, near Tubercurry, in the county of Sligo, and the inattention of the Government as evinced in not offering any reward, with the view of ensuring the detection of the perpetrators. Now, the real fact is this, I related at Enniskillen an attempt to murder —a most brutal and ferocious attack made upon another person of the name of Allen, thirty-six miles distant, in another district, and I did then express my astonishment that no steps had been taken by the Government to detect the offenders in this case by the offer of a reward. That feeling pervaded the whole county of Donegal, and I think that it was justly matter of astonishment, that although a large subscription, to the amount of 150*l.* had been entered into there, for aiding in bringing the criminals to justice, and although the subscription, as well as the facts of the brutal outrage had been published, and re-published in the provincial press, no notice whatever had been taken by the Government of the matter, and that ferocious attempt to massacre—thank God it was but an attempt—had been left to pass wholly unheeded by them. The injuries which the unfortunate victim suffered were extremely serious; his head was cut in many places, and a considerable time elapsed before he was considered sufficiently out of danger to bear removal. And what was the crime of the man who experienced this brutal treatment? It was this—that his father had voted for Colonel Perceval at the Sligo election; for having so done, the son was pursued through two counties, and in the face of day, at the time of a public fair, thus barbarously assailed. What I wish particularly to point out to the House is this, that the party who in another place has charged me with a mis-statement appears to have been himself in utter ignorance of the whole transactions respecting this intended murder—I say intended murder, because from the manner in which the man was treated, no doubt can be left on the mind of any rational individual as to what was the intent of those who assailed him. Whatever I have stated was derived from the depositions sworn to on the examinations before the magistrates; and I am perfectly ready to maintain that the indignation of the public was expressed in the strongest terms, at the insensibility of the Government to an outrage of such magnitude. I am willing to attribute it to the utter ignorance of his Excellency that he should have accused me of misrepresenting the facts of the case to which I have referred. I must do that exalted person the justice to say, that I believe him to have been entirely ignorant of the facts, and that I believe that no report can have reached him of the extraordinary outrage in question. On that supposition alone is it possible for me to account for the inattention displayed by him in regard to it. The feeling of indignation which that inattention excited, has not even yet subsided. Since I have been in London, I have seen a letter in a provincial paper, dated the 18th November, expressing still the greatest surprise that no interference on the part of the Government has taken place. The local magistracy, indeed, use their utmost exertions; but unless the Government came forward there could not be great chances of success in detecting the perpetrators of the brutal outrage in question. It is clear, that either the Government must have been informed of the circumstances of it, and have, nevertheless, taken no notice of them, or that they have been kept in utter ignorance of this atrocious attempt to massacre. And it is a melancholy proof of the strength of the combination which is so powerful there, and of the extreme intimidation which prevails, that the perpetrators of the horrible crime were not pursued till it was too late to overtake them. How it could possibly have happened, that with Mr. Blake, as a stipendiary magistrate over and above the others, the Government could have been left without the information, which in that capacity Mr. Blake ought to have afforded them; or how it could have happened that the Government have knowingly let the matter pass unnoticed, it is not for me to conjecture; but it is clear, that either the one thing or the other must have been the case. I have now to turn to a matter relating to myself personally, and to the extraordinary course which has been pursued towards me by the exalted individual to whom I have already referred, and for whose office and station I have already declared myself to entertain the profoundest deference and respect, although at the same time I cannot conceal that, in proportion as his station is exalted, must I feel mortified by any language which may fall from him hurtful to my feelings. That noble individual has chosen to style me—has chosen to style me—" an itinerant orator;" an expression more offensive or unwarranted never escaped the lips of man. I have dined at one public dinner in the year 1837, at the distance of eighteen miles from my own residence, at the public invitation of a body of persons, Members of this as well as of the other House of Parliament, holding the highest rank and enjoying the greatest consideration in the empire, and whose invitations I hope that I shall never be disposed or obliged to decline. On that single ground is this exalted person authorised to call me "an itinerant orator?" Is he justified in so doing? Is not expression to be given to public opinion on occasions of such a kind? Does not every man, of whatever position in the state, commonly express his feelings in such a situation?—At all events, Sir, for my part, whereever I may go, the honest expression of my feelings shall never be repressed by any authority. I shall continue at all times, and under all circumstances, to give utterance to my political sentiments, in the bold uncompromising spirit of independence becoming an honest man. I am satisfied, that the term which has been applied to me will be received with the indignation and contempt it deserves. It is unsuited to me—it is in nowise merited. As to the oratory of the case, that has been exercised on the part of the noble Lord in disclosing his ignorance, in confounding events, and creating, in fact, an insult, not in the least degree intended towards him as an individual, as well as in charging me with a misstatement, which I hope the House will think me at all times incapable of, and the imputation of which, upon the present occasion, has but too clearly been occasioned by the utter ignorance, on the part of the noble Lord, of facts, with which his duty should have made him acquainted. At all events, I feel certain, that, in my own country, men will be satisfied that I certainly could not have made a misstatement such as that, which in his ignorance he has been pleased to attribute to me. I have thought it my duty to bring the matter under the notice of the House, and thus publicly to show, that the imputation which that noble Lord did cast upon me, was wholly unfounded; and in so doing, I repeat, that I yield to no man in respect and deference for the high station of that noble individual. But he did sorely mortify my feelings as a gentleman, and did convey a distinct insult to the constituency which I have the honour to represent. In duty to them, I felt that I was bound to free the Government from the ignorance in which they stood with regard to the transactions relating to Mr. Allen. At present, I am certainly inclined to believe that they have been left in absolute ignorance of them; but if not, then I shall join in the common expression of indignation contained in the provincial paper to which I have referred, at the insensibility of a Government which refuses to aid the course of justice, and to afford redress for an outrage so excessively grievous, in not lending its efforts towards bringing to punishment the guilty perpetrators of such horrible and atrocious barbarity.

Viscount *Morpeth* was sure it would be most agreeable to the House that he should confine himself principally to the subject before them; but he felt bound, in the first instance, to refer to the digression into which the House had been led by the hon. and gallant Member for Donegal. He had only to observe that with regard to the offering of rewards for the detection of offences, Government almost invariably was guided by the report of the proper officers. The Government thought, and with justice, that the parties, from their intimate knowledge of the transactions, were best qualified to offer suggestions on the subject, and to tell whether the offer of a reward would conduce to the detection of the offence. The hon. and gallant Member for Donegal had alluded, not with strict regularity, to some comments made elsewhere. Now, he thought that the hon. and gallant Member viewed these charges in rather a graver light than they were intended to be viewed in. He admitted that his Excellency the Lord-Lieutenant of Ireland, in the speech which he had made elsewhere, had been so far misled, inasmuch as he had thought that the gallant Colonel had alluded to one transaction when, in fact, he alluded to another transaction. At the same time it should not be forgotten that the allusion had been most derogatory to the character of the Government, which had attributed to them an insensibility to the protection of the lives of her Majesty's subjects. With reference to the expression "itinerant orator," he thought that the honourable and gallant Member had invested it with a more offensive appearance than it was warranted to bear. The great extent of the property of the hon. and gallant Member in various parts of Ireland led rather to a multiplication of his appearance on the political stage, and the hon. and gallant Member should remember that he delivered his own sentiments rather too warmly to entitle him to any special forbearance on the part of others. He presumed that the word "orator" was not the part for which he had to offer an apology. With reference to the motion immediately before the House, he was not aware of any technical objection on the part of the War-office or the military department to the production of the papers moved for. But he would proceed to state briefly why he thought this motion should not be made, and if made at all, why it should not be made by the hon. and gallant Member for Sligo. He did hope that sufficient publicity had been already given to this transaction to dispense with the necessity of further proceedings. He would briefly recapitulate the circumstances of the case. Shortly after the arrival of the present Lord-Lieutenant in Ireland the name of Mr. Blake had been submitted as a proper and eligible person to be appointed a stipendiary magistrate. A recommendation, stating his qualifications in warm terms, had been presented to the Lord-Lieutenant, signed by the Vice-Lieutenant of the county, Lord Oranmore, by Lord Dillon, and a long string of other names of the highest respectability. That recommendation had been supported by the hon. Member for the county, and he had been informed on all sides that the appointment of Mr. Blake was a proper and eligible appointment. When they had duly considered these recommendations, they determined that on a vacancy Mr. Blake should be appointed. This decision had been formed long before they knew any thing of Mr. Blake being in a carriage or dining at the same table with the hon. and learned Member for Dublin. He did not for a moment pretend that this would have formed any disqualification. He had sat himself at the same table with the hon. and learned Member for Dublin; and he, at least, should not propose to exclude from offices those who adopted a similar course. However, as it happened, Mr. Blake's accompanying the hon. and learned Member for Dublin to Sligo had nothing to do with his appointment; indeed, from the dates which the hon. and gallant Member for Sligo had himself stated, it appeared that Mr. Blake went to Sligo on the 25th of January, and his appointment was gazetted on the 1st of February, proving that at the time the Government did not probably know anything of Mr. Blake accompanying the hon. and learned Member for Dublin. Mr. Blake was accordingly appointed stipendiary magistrate, and in addition to the recommendation which Government had received from those best qualified to give accurate and satisfactory information, they found that this gentleman had acted for eleven years as a resident magistrate of the county of

Mayo, having been appointed by Lord Chancellor Manners. During these eleven years there had been no rumour of misconduct; no complaint against Mr. Blake had reached the ears of Government. He would now come to the period of the late elections. The hon. and gallant Member for Sligo complained that Mr. Blake had identified himself with a political party previously to his attendance at the election. If the hon. and gallant Member derived any benefit from the admission, he was not unwilling to confess that he did not think this the most eligible appointment, and for that reason. The appointment was necessarily made while the Lord-Lieutenant and himself were in this country attending to their duties, at the accession of her Majesty, and from the numerous applications for assistants to attend the elections, the appointments were made with some little degree of hurry. The hon. and gallant Member for Sligo himself admitted that there were two other gentlemen to whose qualifications for the discharge of his duty he made no objection, but, on the contrary, to which he bore high testimony, and who had been sent to assist Mr. Blake in preserving the peace during the election. It was true, that after the termination of the election, the hon. and gallant Member addressed to the Under Secretary for Ireland (Mr. Drummond) a letter containing sundry complaints against the conduct of Mr. Blake during the election. The hon. and gallant Member had been informed, and as he thought most properly, that before the Government could direct a specific inquiry into the allegations, a specific and not a general charge must be made. The result was, a letter of some length from the hon. and gallant Member, in which he set forth three distinct specific heads of accusation. The letter contained three specific charges, and accordingly Government directed an inquiry to be instituted into these three specific heads of accusation. The inquiry was fixed for a certain day, Monday he believed, there being another inquiry at the same time instituted at the request of the other—what was called the popular—party in Sligo, against Major Browne. Both inquiries were to take place continuously, and, in fact, there was almost the same array of witnesses on each side, and the same person was directing it, namely, Colonel Shaw Kennedy, under the orders of the Government. Three or four days after the day fixed for the inquiry into the conduct of these parties, there came a subsequent letter from the hon. and gallant Member for Sligo, inclosing a memorial, containing several other distinct and specific charges against Mr. Blake. He referred this letter to the right hon. the Attorney-General, in order to consult him and have his advice, as to the course of proceeding which he thought would be fair towards an individual in an ordinary case at law or equity? He had been distinctly told by his right hon. Friend, that his opinion was, that having received a series of specific charges against Mr. Blake, and having directed an inquiry into these charges, and having named the day on which the inquiry was to be appointed, the Government could neither justly or fairly graft upon the charges already made, any new separate and distinct charge. They did not wish to prevent an inquiry being held on these charges on a subsequent occasion; but they refused to go into these new charges until after the termination of the inquiry already directed. The hon. and gallant Member for Sligo had been pleased to say that Government had dealt out a different measure of justice to the other party. In the course of the same proceeding, and when the inquiry was proceeding against Major Browne, on distinct charges, an application was made to extend the inquiry into the conduct of the troops. The Government, however, determined to allow no new charge to be introduced in the course of the proceedings, and they directed that the inquiry should be made solely with reference to the grounds of accusation already before them. The hon. and gallant Member for Sligo had moved for the production of the charges, finding, and sentence of the general court-martial on Mr. Blake. That hon. and gallant Member had expressed his surprise that Government was not acquainted with the existence of this court-martial. The hon. and gallant Member did not seem disposed to give them much credit,—but he could solemnly assure him that till September last no knowledge of any such court-martial had ever reached them. He could only say, that if they had heard of it their conduct would have been the same as at the actual instant, for, as soon as the charge and the finding of the court-martial had been submitted to them, they had never wavered in the course which they thought right to pursue. The existence of the court-martial was intimated to Government after the inquiry had been directed into the conduct of Mr. Blake. He could not understand whether the hon. and gallant Member founded any charge upon the fact, but Government considered that the finding of the court-martial formed a distinct subject from the conduct of Mr. Blake at the election, and the inquiry was therefore allowed to proceed. Immediately they heard of the court-martial, Government thought it their duty to request from the Commander-in-chief a copy of the sentence, and the report of the Court. It reached Government about the same time that the inquiry upon the matters connected with the election came to a termination, and directly that they had acquired a full knowledge of the sentence of the court-martial, Government thought it their duty to intimate to Mr. Blake that they could no longer continue to accept his services as a stipendiary magistrate. He confessed that he did not come to this resolution without much pain. The proceedings had taken place twenty-three years ago. Mr. Blake was then a very young man. The hon. and gallant Member for Sligo had read one of the charges against Mr. Blake on the court-martial. He did not remember, he was not quite sure, that the hon. and gallant Member had read another part of the sentence, namely, that the court at the conclusion of the trial recommended Mr. Blake to the merciful consideration of the Crown. The recommendation of the court was, however, not acceded to, and the sentence was carried into effect. But all this took place twenty-three years ago. Mr. Blake was, as he said before, a young man; he had since, for eleven years, continued to fulfil the duties of a resident magistrate. At the time he was recommended for appointment as a magistrate he had been informed that the circumstances of the court martial had been brought under the notice of Lord Chancellor Manners; that noble Lord inquired into them, and after doing so he still persevered in the appointment of Mr. Blake. Having been thus appointed, he, for eleven years, fulfilled the duties of the office, and the step which they had thought it their duty, however painful, to take, besides inflicting a large actual loss on this gentleman, was also calculated to throw a slur and cloud on his future peace and prospects. But, nevertheless, after the finding of the court-martial, they felt that they had no other course open to them but a dismissal, summary, instantaneous, and complete. He had hoped, that this would have been sufficient to slake the hostile feelings even of the hon. and gallant Member for Sligo. It seemed that he was mistaken, both from the motion which had been made, and from the extract which the hon. and gallant Member had thought it his duty to read to the House. But he did hope, that that House would consider that a sufficient penalty had been inflicted, that sufficient publicity had been insured, and that they would not give further notoriety to these old charges by assenting to the motion. Having thus given his reasons for refusing his assent to the motion, he had only to state the reasons why he thought the hon. and gallant Member should not be the person to make it. This he would do, by simply stating what had occurred within the last fortnight. In the Court of Queen's Bench in Dublin, he found by the record, that before the rising of the court Mr. O'Dowd moved, on behalf of Mr. Blake, for liberty to file a criminal information against the hon. and gallant Member for Sligo. The affidavits in support of the motion stated, that on the 15th of August last, at the election for the county of Sligo, whilst he (Mr. Blake) was acting in the discharge of his duty and preserving the peace, having railed off a particular space within which he intended that neither of the parties should enter, some of Colonel Perceval's friends pressed and entered into this particular space, and Colonel Perceval, who was present, called him a scoundrel, a rascal, and a coward.

Colonel *Perceval* said, that those words had never been attributed to him in the affidavits.

Viscount *Morpeth* was reading the account of what took place. The affidavit went on to say, that the only reply of Mr. Blake was, "I thank you;" that the witness believed that the offensive language used towards him was intended to induce him to commit a breach of the peace. The result was, that the court granted a conditional rule. Of course, he (Lord Morpeth) could not venture to decide upon the justice of the allegations or upon the merits of the case, but he did submit to the House, that the hon. and gallant Member for Sligo would do well to be content to abide the issue of the evidence, without moving one of the parties into a court where it was impossible for them to meet on equal terms. He had stated his reasons why he humbly ventured to think that this motion ought not to have been made, and why he thought the hon. and gallant Member for Sligo ought not to have made it; and for these reasons, if the motion were pressed to a division, he would meet it with as flat a negative as his voice or his vote could give it.

Mr. Sergeant *Jackson* said, he had risen because it appeared to him that great injustice had been done to his hon. and gallant Friend (Colonel Perceval) by the course taken by the noble Lord (Morpeth). He should like to know what paper the noble Lord had referred to respecting the motion for a criminal information, because he had seen the documents on which that motion had been made, and he could state that the affidavits did not venture to attribute one syllable of that which the noble Lord had thought proper to read to the House as having been attributed to his hon. and gallant Friend. It seemed to him that what the noble Lord had read was an extract from a newspaper. He would only add, that the county of Sligo had been peaceable and orderly until it suited the purposes of certain parties to agitate it, and until the appointment of stipendiary magistrates, in the absence of the Lord-Lieutenant and the noble Lord opposite, had devolved upon persons who did not know those whom they sent to execute the laws of the country.

Mr. Sergeant *Woulfe* said, that the hon. and learned Gentleman might have well spared his eloquent indignation for a more worthy occasion. His noble Friend had merely stated that he thought, under the circumstances of the case, that the charges against Mr. Blake might have come with more delicacy from any other quarter than the hon. and gallant Member for Sligo, and for this reason, that there was pending between Mr. Blake and the hon. and gallant Member a litigation of a serious nature in the Court of Queen's Bench in Dublin. That court had already granted a conditional rule for a criminal information for gross misconduct. He did not care whether this was done in the words read by his noble Friend, or in words akin to them; whether his noble Friend had read the actual record or a newspaper report of what took place, the fact was substantially the same; the Court of Queen's Bench, on looking at the documents, and taking into consideration the hon. and gallant Member's conduct, had, without hesitation, granted a conditional rule. With this conditional rule hanging over his head, the hon. and gallant Member for Sligo rushed into that House, where Mr. Blake had not the power of following him, and where the hon. and gallant Member might say what he liked with perfect impunity, and not only without the danger of punishment, but without the possibility of reply; the hon. and gallant Member rushed into that court, and attacked a man not only unarmed, but without the possibility of defence. He must say this much with regard to Mr. Blake, that the proceedings for which he was now punished took place many years ago. The Lord-Lieutenant, with great pain, had come to the proper conclusion. He had never seen Mr. Blake; he had never spoken to him; he was not on terms of intimacy with any one who, he believed, had any knowledge of him; but he felt called upon in common justice to say, that the conduct of Mr. Blake as a magistrate had repeatedly come before him unconnected with party measures, and a more useful stipendiary magistrate he had never known. He never heard any complaint; he had repeatedly had opportunities of witnessing his conduct in matters unconnected with politics, and he had always found him a remarkably active, useful, and diligent public officer. He might refer particularly to a transaction of great moment, and which had excited much notice in the north of Ireland: he meant the affair of the Ballyshannon fishery. In that affair, when the lessee and lessor combined against a gentleman of the name of Hector, and when a most atrocious attack was made on the property of Mr. Hector, Mr. Blake had proved himself an eminently useful officer. The first letter written by the gallant Colonel, containing charges against Mr. Blake, was couched in very general terms, imputing partiality in his official capacity, and calling for an inquiry into his conduct. He rather believed that at the time this letter was written, his Excellency, the Lord-Lieutenant, and also the noble Secretary for Ireland, were not in that country; a letter, however, was written, acknowledging the receipt of the gallant Colonel's letter, and stating that it contained charges of a very grave character which demanded mature investigation, but that it would be impossible to put the party on his trial unless the charges upon which he was to be tried were in a more specific form. The gallant Colonel then wrote another letter, in which he did bring three specific charges against Mr. Blake, which he numbered one, two, and three, declining, however, at the same time, to become the public prosecutor of that gentleman. Mr. Blake having been furnished with a copy of the gallant Colonel's letter was called upon for an explanation of his conduct. Mr. Blake, in compliance with this invitation, did give such an explanation as he thought the circumstances required, and this explanation was forwarded to the gallant Colonel. The gallant Colonel, upon receipt of this, was not satisfied, and demanded an inquiry, which was accordingly directed to take place. And to whom was this delicate investigation intrusted. To a partisan—to a violent politician—to a man who would have an interest or find a pleasure in screening the guilty or of wrongfully convicting the innocent man?—No: the investigation was committed to the hands of Colonel Shaw Kennedy, an officer of whom it was known that there was no man who, in his official duties, manifested more thorough impartiality and good feeling; and he was accompanied by a Queen's counsel, a gentleman of the name of Brooke, a gentleman who was only known to be respected, who had quietly pursued his professional career apart from anything in the shape of politics, and who had never taken a part in anything which might be even termed culpable agitation. When these gentlemen made their appearance, for the purpose of conducting the inquiry, the commission being already opened, and Mr. Blake being prepared with his witnesses for his defence, the gallant Colonel wrote a letter, saying that he could not untertake to maintain the specific charges he had brought forward; but stating that there were other charges which he could prefer, and which he should be better able to substantiate. To this the Commissioners replied, that the charges which the gallant Colonel offered to bring forward were matters with which they had nothing to do, and which, therefore, they could not go into. The gallant Colonel then wrote to the Government, demanding that Mr. Blake should be put upon his trial upon the latter charges; but being consulted by the noble Lord the Secretary for Ireland upon the propriety of acceding to this proposition, he at once saw the injustice of admitting such a course of proceeding, and advised the Government accordingly. Could any thing be more unjust than that a man should be put upon his trial without knowing what he was to be tried for—without any specific charges which he might prepare himself to answer and to acquit himself of? If a man were indicted for stealing a horse, could any court, with any show of justice, convict him upon that indictment of stealing a cow? No, The Lord-Lieutenant, acting in accordance with the advice he (Mr. Woulfe) gave, replied that he was open to entertain any charge which might be preferred in a regular manner against Mr. Blake, but that, before he could do so, the charges should be put in a specific form. One word more. It had been alleged that Major Browne had been put upon his trial upon receipt of the first letter of accusation against him. But why was this? Because this letter contained specific charges against that individual, which the first letter of the gallant Colonel did not. The charge against Major Browne was specifically, that he had wantonly ordered a charge of dragoons when none need be made, to the great injury of the persons against whom it was directed.

Mr. *D. Browne* said, that allusion having been made to him by the noble Lord the Secretary for Ireland, he begged to offer a very few remarks. He acknowledged that he was the person who recommended Mr. Blake as a stipendiary magistrate. He presented a memorial signed by Lord Oranmore and Lord Dillon, in which it was stated that Mr. Blake had been intrusted with the commission of the peace for the county of Mayo, in which he had conducted himself with credit to himself and to the satisfastion of the county. Mr. Blake had also acted as justice of the peace for the county of Galway, and had even been appointed, under a Tory Government, he believed that of the Duke of Northumberland, to a lieutenancy in the yeomanry corps. Under these circumstances he thought he was perfectly justified in recommending Mr. Blake as a stipendiary magistrate. He could only say, further, that at the time he was not aware of the court martial on Mr. Blake, which took place only two years after he was born, and could not, therefore, be said to have have occurred within his remembrance. There were many accusations made, and he would make one. At the Sligo election he saw an individual of high character in the neighbourhood strike an unoffending person, and that individual was the gallant Colonel opposite. He solemnly affirmed in the face of the House and of the country, that what he said was the case. [Colonel *Perceval* said he never struck a man in his life.] The gallant gentleman was within two hundred feet of me when I saw him, I repeat, strike, and that with not very slight exertion, an inoffensive peasant, who did not appear to be doing any further harm than that of running away from the political vengeance of the gallant Colonel. The gallant Colonel also had complained that Mr. Blake had accompanied the hon. Member for Dublin from Castlebar to Dublin. He would grant he had done so—he would grant, even, that Mr. Blake might have spoken disrespectfully of the hon. and gallant Colonel; but if he did so, he did not think that that was any reason why Mr. Blake should be excluded {from an official situation; there were many of the gallant Colonel's associates of whom it would be difficult to speak in any other terms. He (Mr. D. Browne) did not wish to screen any part of the official conduct of the Government from inquiry, but at the same time he did not wish to see the time of the House occupied by idle and useless motions like the present. The motion had evidently two distinct objects—the first to bring her Majesty's Gevernment into disrepute, by throwing bfame upon Mr. Blake; and the second to drag before this House the private motives and character of individuals. He thought that sufficient had already been done to satisfy the anger of the gallant Colonel, and that Mr. Blake had suffered enough as the victim of political malignity, being deprived of his situation and separated from those gentlemen with whom he used to be associated. He trusted that the Government would resist this motion, which was only made to satisfy the cravings of an expiring faction.

Mr. *E. Shaw* said, that the hon. Member who had just sat down had made one statement of fact, in which, upon consideration, he was sure he would admit himself to be mistaken, namely, that of his hon. and gallant Friend having struck a person at Sligo. His hon. and gallant Fiend averred that no such occurrence had taken place, and the hon. gentleman, who was distant 200 yards.—[Mr. *D. Browne*: 200 feet.] He had certainly understood the hon. Member to say 200 yards; and surely at such a distance, particularly after the assertion of the hon. and gallant Colonel to the contrary, the hon. Member could have no difficulty in admitting himself to have been mistaken. He had now one remark to make upon what had fallen, he was sure quite inadvertently, from the right hon. and learned Gentleman opposite charging his hon. and gallant Friend with wishing to put Mr. Blake on his trial under unfair circumstances. As he (Mr. Shaw) recollected the case it was this—that his gallant Friend wrote to the Government complaining of the conduct of Mr. Blake, but declining at the same time to become his accuser, the grounds of complaint being circumstances of which various of his constituents had been witnesses, together with one or two of which he had been personally cognisant. When the inquiry was about to be instituted, and Colonel Shaw Kennedy arrived, his gallant Friend was informed that the inquiry could not be a general one, but must be confined to the circumstances of which his gallant Friend had personally to complain. His gallant Friend, upon this intimation, at once declined to stand forward as Mr. Blake's accuser, in such comparatively trifling circumstances as he was aware of, as the case would be very incomplete if confined to these. As soon as it was resolved that no inquiry was to take place, his gallant Friend assured his constituents that he would take the earliest opportunity of bringing the subject under the notice of the House of Commons, and that pledge he had this evening fulfilled. With respect to the fact that a conditional order had been granted in the Court of Queen's Bench against his gallant Friend, the learned Attorney-General had really as it appeared to him, laid more stress upon that circumstance than it was entitled to, for the learned Gentleman must surely be aware that it required no very serious charge to obtain such an order in the first instance. He would end by saying that he was very sure that there was no Gentleman in or out of the House who was not perfectly satisfied that his gallant Friend was incapable of any conduct incompatible with the feelings, character, or honour, of a Gentleman.

Mr. *Dennis O'Conor* said, that allusion having been made in the course of the present debate to Lord Oranmore, he had been requested by that nobleman in case such allusion were made, to state in his name, that some years ago he had been applied to to recommend Mr. Blake to the commission of the peace, but that Mr. Blake having been tried and convicted by a court-martial, he had declined doing so. Subsequently, however, Lord Bingham did recommend Mr. Blake, and he was appointed, not only to the county of Mayo, but to the county of Galway, and after that also was made a lieutenant in the yeomanry corps of Mayo; in all which capacities he believed that Mr. Blake had conducted himself in a most unimpeachable manner. The gallant Colonel had this evening read those parts of the proceedings of the court-martial which bore most heavily on Mr. Blake, but he (The O'Conor Don) thought the gallant Colonel should in fairness have read those passages also which tended to the justification of that Gentleman. It was true that this court-martial had found Mr. Blake guilty, but it was also true that it had recommended him to mercy, because the officer whom he struck was the cause of all his misfortune, and because his previous conduct had been unimpeachable. He really thought it was too hard, now that Mr. Blake was verging into years, to bring up a hasty action committ d in his youth to his prejudice, and that merely because that gentleman happened to be a political opponent of the gallant Colonel. He really hoped that the gallant Colonel would withdraw this motion, and not press it to a division.

Mr. *Somers* was very sorry that the gallant Colonel had not had the good taste to leave his case to the tribunal which would shortly have to decide n the matter in dispute between himself and Mr. Blake. The gallant Colonel had entered into many particulars, but there were some which he had not stated, and which were wanted to complete the picture. The gallant Colonel had not stated, that there was a gentleman of great influence and standing in Sligo, who had distributed a large quantity of daggers amongst the peasantry each of which had his name upon it, and that individual was no less a person than the hon. and gallant Colonel himself. Was that the man who wanted explanation? Did the hon. and gallant Colonel forget the case of Simpson? He appealed to the gallant Colonel whether he did not take the hand of that man, in Orange union who was under a charge of malicious cutting and maiming? Did not the querulous Member for Sligo hand pistols from the bench to Simpson desiring him to use them? He could corroborate the statement of the hon. Member for Mayo with respect to the gallant Colonel's having struck an inoffensive person. The gallant Colonel did strike a man with an umbrella. And much to the credit of Mr. Blake be it added, that this was the only breach of the peace which was committed at this election. He would ask the gallant Member whether or not he had shaken hands with Simpson in public court?

Colonel *Perceval*: Yes, often; and will again.

Mr. *Briscoe* said, he never had heard a charge brought forward against any Government which had been so feebly supported and so triumphantly answered as the present. He did not rise to speak generally to the subject in debate, but to express his opinion on the case of the very hard-used individual whose conduct had been thus unsuccessfully impugned. He would refer to the recommendation of the court-martial which had tried Mr. Blake, and would ask whether the Government, after twenty-three years of unexampled good conduct on the part of Mr. Blake, would not be fully justified in tempering justice with mercy; and though they would not, perhaps, be acting wisely in reinstating him in the same office, yet he hoped that, in consideration of his valuable public services and strict impartiality of conduct, some other situation would be found for him. As an English Member, and therefore the less open to a charge of partisanship, he had stood forward to express his feelings on the case of Mr. Blake, which he was glad to see were participated in by a large number of those who heard him.

Mr. *S. O'Brien* thought, that Mr. Blake, and not the gallant Member for Sligo, was the aggrieved party. Mr. Blake, he thought, had been extremely hardly treated, and he hoped that an early opportunity would be taken, consistently with the dignity of the Government, of making him some return for the bad treatment he had experienced.

Colonel *Perceval* said, he felt like a person put upon his trial, and he would commence his defence by answering one question in the affirmative. He certainly did shake hands with James Simpson, and he hoped he should have frequent opportunities of shaking hands with him again. [Mr. *Somers:* In the dock?] It might have been in the dock; for, in the Court of Registry, several gentlemen were stationed in the dock, as the place was extremely crowded. It was true, that he gave Mr. Simpson a brace of pistols, in order to protect himself; he was a valuator, and his life had been threatened, and on the occasion it was also deemed advisable to place him under the protection of the assistant-barrister, until he reached his lodgings. With respect to the daggers, he distinctly denied ever having given one away; and he did not believe, that on earth could be found one dagger marked with the name of Alexander Perceval. An hon. Member had charged him with having struck a man during the borough or county election. He declared, on the honour of a gentleman, he had never done so; he merely raised his umbrella to save his own head. A man was certainly struck, but not by him. He tried, on the contrary, to protect that individual by every means in his power, and he would take that opportunity of declaring, that, during life, he had never struck any man. The noble Lord had charged him with having applied the terms liar and scoundrel to Mr. Blake. He had never used such language. With regard to the want of feeling attributed to him in bringing forward this motion, he would merely say, that at the close of the investigation, Mr. Blake and his counsel offered to go into the case, and he, by the advice of his counsel, assented; but Mr. Blake afterwards backed out. He then said, that he would bring the subject under the notice of Parliament; and although a conditional rule had been granted against him, he did not think it necessary to forego that pledge. He had answered all questions candidly, and, if necessary, he could adduce the testimony of Captain Tracy to prove his innocence of the charge of having struck a man during the election contest. The blow was given by a man in the poorer classes of society. The hon. Member concluded by stating he had no objection to withdraw his motion, if doing so would accord with the feelings of the House.

Sir *R. Peel* thought, the course most satisfactory to Mr. Blake, would be the withdrawal of the motion, when he considered the lapse of time since the court-martial; the declaration also of the noble Lord, that the appointment was unfortunate; and as Mr. Blake's conduct being yet under investigation, he thought the House would not object to the motion being withdrawn.

Motion withdrawn.

Irish Constabulary.] Colonel *Perceval* then moved for a Return of the names of the Chief Constables submitted to the Lord-Lieutenant of Ireland for promotion under the new Bill by the Inspector-general, distinguishing the names of those promoted, if any. He made this motion, because he considered that the understanding implied, if not expressed, by Ministers in the discussion of the Constabulary Bill last year, had been violated. The noble Lord opposite had implied, that the patronage and appointments under the Bill, should be vested in Colonel Shaw Kennedy. The declaration was hailed with cheers from both sides of the House, and, thus understood, it was permitted to pass without contradiction. The hon. and gallant Colonel referred to the speech of the noble Lord, to show that the appointments were to be nominally in the Lord-Lieutenant, but actually in the Inspector-general, in the same manner as it was exercised here in this metropolis. From the speech of the noble Lord, it was certainly to be inferred that the patronage was to be exclusively in the Inspector-General; but it since appeared, that so far from such being the fact, the appointments were with the Executive Government. The right hon. Member for Tamworth, who took part in the debate on the Constabulary Bill last Session, understood the noble Lord in the same sense that he (Colonel Perceval) did, and with that understanding withdrew his objection. Many of the later appointments in the constabulary force had an appearance of partizanship, which would not be the case if Colonel Shaw Kennedy had had, as he ought to have had, the entire nomination.

Sir *R. Bateson* seconded the proposition. The case of Mr. Gore Jones was, in itself, sufficient to warrant the motion before the House.

Viscount *Morpeth* was unfortunately

placed in a position which rendered it impossible for him to assent to any of the propositions made that night by the hon. and gallant Member opposite. Instead of being at the trouble of having these returns printed, he would save time and printing-paper, by stating, that nine of the appointments were made after the manner described in the hon. and gallant Member's motion. Instead of the Inspector-general submitting the persons to be promoted to the Lord-Lieutenant, it was the Lord-Lieutenant who submitted them to the Inspector-general, and no person was appointed who had not undergone the examination of the latter. He denied, that the Constabulary Bill was passed on the faith of an understanding that the patronage was to be transferred from the Lord-Lieutenant to the Inspector-general. Neither he, nor any one on his side of the House hinted at, or assented to, such a transfer of patronage. On the contrary, it was clearly stated, that the appointment was to be with the Government. He never had made such an admission to the right hon. Member for Tamworth as that alluded to by the hon. and gallant Member opposite; and so far from any such thing being understood as arising out of the debate on the Irish Constabulary Bill, Lord Londonderry, in the other House, when discussing that measure, said that the Bill, if passed, would enable the Lord-Lieutenant to return to Ireland with a great increase of patronage. He would not go into the case of Mr. Gore Jones further than to say, that, though his removal from a particular station was thought advisable, it did not appear to Government that his conduct required so grave a censure, or so severe a punishment, as dismissal.

Mr. *Shaw* regretted that the right hon. Member for Tamworth was not in his place, for though the noble Lord, the Home Secretary, had not absolutely said, that the patronage would be vested in the inspector-general, both he (Mr. Shaw) and his right hon. Friend (Sir R. Peel) understood that such was to be the case. They understood that the discipline of the whole force was virtually to be vested in Colonel Shaw Kennedy.

Mr. *Bellew* considered that the police force had greatly improved under the present Government. They were not now viewed by the people of Ireland in the same light as they were formerly. People were beginning to view them as protectors, not as partisans. It was true they had not as yet become popular, for there were many persons in the force who possessed as strong feelings on political matters as the hon. and gallant Colonel himself; but if the present Ministry continued in power for two years longer they would be favourably viewed by all parties in Ireland. With respect to the impartiality with which promotion took place in this force the small proportionate number of Roman Catholics sufficiently testified it, and there was no charge with respect to misconduct which was not at once met with the utmost alacrity on the part of the Government. The police force and the national system of education were the peculiar objects of hostility. Under former Governments the police were used in such employments as were calculated to render them highly unpopular. They were compelled to do the duty of tithe proctors and bailiffs. By the course which the present Government adopted they were freed from this odium.

Lord *John Russell* said, that the right hon. Member for the University of Dublin certainly misunderstood him in what he had said when the Irish Constabulary Bill was under discussion. He never had said, and never intended to say, that the patronage of the police force should be vested in Colonel Shaw Kennedy, and not in the Lord-Lieutenant. He understood when the measure was first proposed there was a strong objection to it, lest the person who was to be placed at its head might entertain any strong political bias. To obviate this objection, he wrote to Colonel Shaw Kennedy, to ascertain whether that gentleman would accept the appointment; and having obtained his consent, he then stated to the House that Colonel Shaw Kennedy, would be appointed Inspector-general, and have the direction and disposition of the force. This was all he had said, and the statement appeared to have given general satisfaction.

Sir *R. Bateson* would solemnly assure the House that he understood the whole patronage was to be vested in Colonel Shaw Kennedy.

Colonel *Perceval* read an extract from the speech of Sir Robert Peel, to show that the right hon. Baronet understood the propositions of Government in the same manner that he did, and the cheers of the whole House when the right hon, Baronet spoke the passage showed that they assented to his meaning. The passage left it distinctly to be understood that though the patronage would be nominally in the Lord-Lieutenant it would virtually rest in Colonel Shaw Kennedy. That was the general expectation; indeed, he might almost say it was the compromise upon which the Bill passed. For himself he would say that many of the appointments to this force savoured of partisanship.

Motion negatived.

MUNICIPAL DECLARATIONS.] Mr. Baines moved the second reading of the Municipal Officers' Declaration Bill.

Mr. *Grote* gave notice, that he would at the next stage of the Bill move an instruction to the Committee to extend the benefit of the measure to persons of the Jewish persuasion.

Mr. *Shaw* observed, that the Bill had been allowed to be brought in without opposition on the distinct understanding that its provisions should not be extended to Jews.

Mr. *Baines* felt persuaded that any attempt to introduce the Jews into the Bill would be fatal to its success. For his part, though friendly to the claims of the Jews, he was satisfied, in the present instance, to take what he could get. Every one admitted that the declarations now imposed upon Quakers were incompatible with the dictates of their religion, and prevented their becoming members of municipal bodies, and thus deprived those bodies of many valuable officers. For this reason he was anxious to see them speedily admitted to corporate privileges. If any hon. Gentleman wished to introduce a Bill on the same principle for the relief of the Jews he would support it; but he hoped that they would not, by endeavouring to tack the Jews on the present Bill—deprive Christians of the expected relief. He thought he was not fairly used in this matter. He had, last Session, introduced a Bill, in which the Jews were included. The consequence was that it was violently opposed and delayed until the Session was so far advanced that when it went up to the other House it was rejected—first, because of the lateness of its introduction, and secondly, as introducing a species of legislation not hitherto recognised. He had now brought in the Bill for the relief of Quakers and Moravians solely, and he wished to limit it to that object.

Mr. *Warburton* said, that if the Jews were not comprehended in the Bill he should certainly oppose it. This was a Bill to enable persons to undertake municipal offices from which they were now excluded by certain oaths. Now, what was a sheriff but a municipal officer? And were not Jews now eligible—and if they refused to serve, subject to a fine? When they were introducing a Bill opening municipal offices to all her Majesty's subjects should they exclude from its benefits a large class who were now liable to be compelled to serve in such offices? He thought that the introduction of a clause in favour of the Jews would not endanger the Bill, and he hoped that on going into committee the hon. Member for the City of London would move it.

Mr. *G. F. Young* thought it was contrary to sound principles of legislation to make any exception in the bill. The present High Sheriff of London was a Jew, and no man could fill the office more efficiently, or with more credit to himself.

Sir *R. Inglis* said, that the speech they had just heard afforded sufficient warning of the danger of conceding fresh privileges to persons opposed to the Church. When, on a former occasion, he had taken the notice of the bill into his hand, and heard the speech by which it was explained, he did not expect it would be so comprehensive as was proposed by the hon. Members for Bridport and Teignmouth. The hon. Member for Leeds had stated, that he did not intend to include any sects in the bill except Quakers and Moravians, and on that stipulation he did not oppose the bill. Now they were told by influential Members, representing large constituencies, and on both sides of the House, that persons of all creeds must be included in the privileges. The hon. Member for Bridport was always consistent; his constant purpose was to annihilate the Church, and to do away with all Christianity. If the bill was to include the Jews he would certainly oppose it, and in his opinion it was sure to fall to the ground.

Mr. *Hume* said, that the hon. Baronet was quite correct in what he stated as far as regarded the hon. Member for Leeds, but the House was not to be influenced by that. It did appear to him that it was a reflection on the House of Commons that its time should be lost in conceding political privileges by driblets. The hon. Baronet was right in thinking he (Mr.

Hume) wished to include all classes in the bill. The hon. Baronet trembled for the Church, but he believed that intolerance was what placed the Church in the greatest danger. The more liberal the policy the safer the Church. It was a strange mode of reasoning to say that such a bill favoured those who had no religion. Why, those who had no religion would take any test demanded of them. The hon. Baronet was stanch to his own conscientious scruples in favour of the Church, yet he would deny others their civil rights, because they would not yield theirs. He would rather that the bill should be lost than passed in a defective form. They had now Jewish High Sheriffs receiving her Majesty, and giving the highest satisfaction to their fellow-citizens. And was it not now lamentable to see the House of Commons striving to deprive such men of their rights as citizens, particularly as a fine might be imposed on them for not serving in the offices from which the oaths excluded them? The hon. Baronet was always consistent, and he was the only man on that side of the House for whom he could say so much—in his intolerance. But he wished him even now, in the eleventh hour, to relent. How could he lay his head on his pillow, and ask himself if he had done unto others as he wished they should do unto him, if he thus disregarded the conscientious scruples of others.

Bill read a second time, and referred to a Committee of the whole House.

HOUSE OF LORDS,

Friday, December 1, 1837.

Minutes.] Bill. Read a second time:—Commissions of the Peace.

Petitions presented. By the Duke of Sutherland, from several Dissenting Congregations in Somersetshire, against the Apprenticeship system in the West Indies.

Education.] The Marquess of *Lansdowne* had a petition to present to the House, which was most respectably signed by the inhabitants of Manchester, on the subject of the Bill of which the noble Lord on his left (Lord Brougham) had given notice for that evening—National Education. The petition was originally intended to have been introduced to the notice of the House by the right rev. Prelate the Bishop of Norwich, but owing to his being absent from town attending to some important duties, he had undertaken to present it, and in doing so he was authorised to say, that the right rev. Prelate to whom he had alluded fully concurred in the prayer of the petitioners. The object of the petition was, as set forth in the statements which it contained, that such a system of education should be adopted as would admit every class of her Majesty's subjects to have the means of obtaining a proper education, and that the difficulties which at present existed, proceeding from a difference of religious opinions, might be removed; and with these suggestions he most cordially agreed. It was unnecessary for him to say, after the conversation which took place in that House a few evenings ago, that no intention existed on the part of the Government to force the adoption of a compulsory system of education, and there was no person more convinced than he was, that that could not form a part of any well-conceived plan, and he must also say, that it was not contemplated either by the Government or by any other body of persons whatsoever. A society had been alluded to which was known by the name of the Central Society of Education, and which was composed of many persons of the greatest respectability and of high rank in the country; and an opinion had been stated to be entertained by them, which, although it was afterwards qualified by the right rev. Prelate who had referred to the matter, was yet of a nature calculated to induce a feeling of distrust in the public mind in relation to the society. On referring to a volume which had been published by the society, he found, that it contained statements of a variety of opinions, but they appeared to be the collection of the opinions of other persons, and not to have proceeded from the society upon any belief which they entertained upon the subject; and it was put forth merely as a means of acquainting the public with the various propositions which had been made with regard to education. In speaking of the adoption of any plan, he must say, that he believed that the Government would better discharge their duty by taking the opinion of a noble Lord who had made education the subject of his particular attention, and whose qualifications and inquiries rendered him most competent to give an opinion upon the matter, and to adopt his plan, provided it should appear fit and proper, than by following any other system of their own, the feasibility of which they might not have had an opportunity of ascertaining; but he most sincerely hoped that no unnecessary delay would be permitted to occur before some measure was taken with a view to the providing for the education of the poor in a mode more extensive and more appropriate than that which was now employed; for he believed that, although the system had been improved in some degree, yet that it was still very inefficient both in the towns and in the country. He believed that it was not the wish of any Member of that House that any system of education should be received unless religious instruction formed a portion of it; but he could not help pointing out to the House that there were many schools which were founded professedly with a view of providing a religious education for the children of the poor, but in which the objects of the institution were so badly carried out that the morals of the scholars suffered materially, and some improved plan must therefore be provided in order to give effect to the benefits which it was intended should be conferred; for unless religious instruction was combined with the inculcation of general good principles, and unless also the general topics of an ordinary education were introduced, he was convinced that no improvement in the morals of the people would take place. He could not but express his firm belief that the introduction of some good system of education was essential as well for the diminution of crime as for the general welfare of the people.

The Bishop of *London,* having heard the remarks which had fallen from the noble Marquess with reference to what had been said the other evening in that House, could not suffer the opportunity to go by without again alluding to the statements which he had made, and which had been attempted to be controverted. He was not at present prepared to substantiate, by the production of documents or other evidence, the facts which he had brought under the notice of the House, but he could again state that two of the members of the society to which he had alluded had gone through the country making speeches, and that it was only in two or three instances, when they had been admonished by the expression of the feelings of the people, that they had changed the tone of their addresses, which before had been directed against the introduction of the Scriptures in the course of the system of education which they proposed should be adopted. Now, when a Member of Parliament and a barrister were heard advocating such a plan, and when it was known that they were both members of the central society of education, and that one of them was also the editor of its publications, he would ask whether it were possible for any man to draw any inference from their conduct other than that the society of which they were members professed to advise and to advocate the adoption of the same system? Was it not too plain for any person possessing common sense to deny? Besides this, he would suggest to any noble Lord to read the correspondence which had taken place between a Mr. Simpson and Mr. Colquhoun, the hon. Member for Kilmarnock, and to draw that inference which his judgment would suggest; and he would venture to say, that the same idea which he had founded on the facts to which he had already alluded would at once present itself to his mind. But in suggesting this he must guard himself from the suspicion of being supposed to impute improper motives to every Member of the society who might really and seriously be desirous of diffusing education among the people, and who might be far from countenancing or giving their sanction to the principles which had been advocated by the persons to whom he had alluded. Nor would he even allege such motives against those who had expressed the strongest opinions upon the subject; but he would declare, without hesitation, that they had taken a wrong view of the subject and that they proposed to introduce a system highly detrimental to the object which they professed to have in view, and to the spread of religious knowledge through the country. He repeated, that he would not impute to them improper motives; but when Members of the society were thus seen going through the country and advocating a plan in which the use of the Scriptures was omitted, he could not but think that that was the object also of the society. He would say a few words further, because it would spare him the necessity of addressing the House at a later period of the evening. He must admit that the present system of education was far from being perfect. It was only within thirty years that national education had been tried in this country;

and although it had not yet been attempted on so great a scale as might be hereafter adopted, or at all commensurate with the amount of the population of the country, yet it deserved great praise, and little surprise could be felt that very beneficial results had not yet followed its introduction. Another generation must be permitted to pass before any judgement could be formed of its absolute effect, for before the fruit could ripen the seed must be long sown. He would say, however, with regard to the schools which were connected with the established Church, and to the national schools at present established, that the observations of the noble Marquess would not apply, whatever imperfections might belong to the system on which they were conducted. He knew, indeed, that such schools did exist as those referred to, and to which the remarks might be appropriate even in their most odious sense, but they were not in connection with the established Church. The National Society had made great exertions to improve the schools which they had established, and to extend the system of education — not merely scriptural but general education, comprising instruction in the usual useful branches of knowledge. In the agricultural districts there was much difficulty experienced in getting the children to attend the infant schools, and even when their attendance was obtained, it was only for that portion of their life between the ages of seven and ten or eleven years; for so soon as their parents found that they were capable of earning a trifle weekly by their labour, they were immediately removed from the place in which they might obtain some education in order to work. He was a warm advocate of infant schools; but every one must be aware that little could be done in the instruction of children in so short a time as that which he had pointed out. He felt that he was anticipating some of the remarks of the noble Lord (Brougham), but he could not conceal from himself the impression that no system could be devised which would reach the extent of prefection which was the desire of the noble Lord, in common, he was sure, with every other Member of that House. For his own part, he believed that the best course the Legislature could take in respect to this subject, was to express its opinions strongly, and to assist by grants of money and other encouragement the views of charitable individuals and societies, whose object was the advancement of education; but he was of opinion that the views which it had would thus be carried out in a manner far better than they could be by any enactment.

Lord *Denman* felt it due to the society and to himself to make some observations upon what had been stated, as well on a former occasion as now, by the right rev. Prelate who had just resumed his seat. He must admit that, from the qualification of the right rev. Prelate, no imputation had been cast upon any one individually, but he for one felt anxious that it should not go forth to the world that he had given his sanction to the projects which had been stated to have emanated from the society of which he was a Member. Although he was, as he said, a Member of the Central Society of Education yet he had no interest in it, further than his name being attached to it. He was applied to by some most respectable persons, as well as by some who were members of the same profession with himself, that his name might be attached to the list of Members, and he felt bound to acquiesce in this request, inasmuch as that he had a strong interest in the improvement of the system of education, and because he felt that it was defective. The evils of the present plan were admitted by the right rev. Prelate, and he was bound to say, that the remedy of those evils was the object of the society, and he confessed, that he thought it had been rather severely attacked. He was, unfortunately, not in the House when the matter was formerly discussed, but he understood that it had been stated, and it had gone forth that it had been stated, that the two objects of the society were to introduce a system of compulsory education, and that it should be purely and entirely secular—all religious instruction being excluded from it. He was authorised to say, that the society had declared no opinion whatever on the matter, but that the sole object which they had in view was—and it was admitted to be much wanted—to collect and diffuse information on the subject of education, and he would appeal to any noble Lord who had looked into the publications which had been put forth under the direction of the society, whether they did not contain much real and valuable intelligence? It might have been supposed, from the observations which had been made, that the plans which it was said were entertained by the society had been learned from the publications which had been put forth as well as from the speeches which had been made by some of the members; but no such supposition could be justified by the books of the society. In them there was no opinion expressed upon the subject, the society only aiming to give the public as much information as possible upon which opinions could be justly founded. The name of the writer of every treatise was appended to his work, so that no error could well arise as to the source of the statement that the education recommended was of an entirely secular nature. He would say, that he had never met with more surprise than on the part of those whose opinion it was stated to be when the subject was alluded to in their presence. He thought it was impossible to draw any inference from any writings which the society had put forth such as had been expressed by the right rev. Prelate. Then it was said, that the notion was formed besides on the conduct of the members of the society; but he had authority to state, that the meetings to which allusion had been made had not been called by their desire, or by their permission. A meeting at which Mr. Wyse had presided had been referred to, and a communication from a Mr. Simpson to Mr. Colquhoun had also been spoken of: but Mr. Wyse had been called upon by the inhabitants to preside at the meeting, and Mr. Simpson was not a member of the committee of the society, so that on this ground there was no right to make any allusions of an improper tendency to the society. He repeated, that the sole object of the society was to convey intelligence to all parties on the subject of education, and this he conceived to be one which was likely to prove of a most useful character.

The Marquess of *Lansdowne* said, that he must repeat the observations which had already fallen from him on the subject of the schools at which religion was professed to be taught. He was surprised that what he had before said should have been taken to allude to national schools, for to them they had no reference, and he must express himself to be a most strong advocate of the system. He declared his belief that the only object which they had in view was the establishment of some system which should be founded on proper grounds.

The Bishop of *London* said, that he had thought proper to endeavour to point out the error into which the noble Marquess had fallen in alluding, as he supposed, to national schools; because he knew that some very strong allusions had been made to them by the society—allusions which were preposterous and absurd, and which had already been ably controverted by those who had the management of the system.

Lord *Brougham* said: In rising to state to their Lordships the outline of the two Bills to which he was about to direct the attention of this House, he ought first to state the reasons why he adopted the unusual course of explaining to the House the nature of those measures on moving that they be read a first time; and why he did not wait until they were before the House in a printed form. He trusted that his plan would not prove inconvenient to their Lordships, for he felt that, if he were to wait in the ordinary manner until the Bills should have been read a first time, and then explain to their Lordships the grounds on which he requested their Lordships' support, he should neither do justice to the framers or to the promoters of the measures; moreover, he would not be able to explain either the details or the principles of the Bills in such a manner as they merited. He should have no opportunity of removing from their Lordships' minds any objections which might start up in relation to the arrangements he proposed, and in coming after those objections, unanswered as they would be, had taken root in their Lordships' minds, he should have a difficulty in removing them, and hardly be considered to have exercised ordinary care in preventing them. If it were said, that he might take the chance of their Lordships' attention being drawn to the Bills in the interval between their being read a first and second time, then he found an answer to that suggestion in the observations which had fallen from the right rev. Prelate and the noble Marquess, neither of whom seemed to understand that the measures which he was about to bring forward, had both of them before been under the consideration of the House; but they appeared to imagine that he rose to bring forward a new plan, and both the right rev. Prelate and the noble Marquess seemed wholly unacquainted with his views. He did not blame the noble Lords for not having paid attention to the Bills when they were before the House three years ago, and he did not blame them for fancying that he was about to break open a new measure—to tread an untrodden field, and to introduce a new principle; because, time after time, the matter had been broached in Parliament, but the House would not give its attention to the subject. The plan was before the House last Session—on the first night of the Session, and it was printed; and for the purpose of preventing the confusion that usually arises in reading the clauses of Acts of Parliament, and to aid those to whom the repetitions to be found in a statute would be obstructions, he took the liberty of circulating a digest—an abstract of the provisions of the measure, that no one should have the ordinary excuse for not reading the Bill, in consequence of the tediousness of wading through its details. At the end of the Session it was broached again. It was not attended to at the beginning of the Session, because it was too early, and it was not attended to at the end of the Session, because it was then too late. He could not say, that the reason for its not being attended to at the beginning of the Session was on account of the pressure of business of the House, for there was none; and for some time afterwards, the House did just as much. The Bill was, in truth, unfortunate at all times, for even in the middle of the Session, when they had literally nothing to do, it could not be proceeded with. At the end of the Session, there came an event which diffused universal joy among all classes of the people, which followed an event which had before produced extreme sorrow—it was the change of the Sovereign. It was incidental to matters of that description, that business like that of education should not be attended to; and, in consequence of the desire of her Majesty, that no further public measures should be entered into that Session, and of the pressure of business, he was going to say—but of pleasure—which followed, it became necessary that it should again stand over. One Bill, then, which he now had to bring forward was, in its principles, the same as that which he first introduced; but in reference to the second Bill, there had been some alteration in the measure originally proposed, and this was to be introduced for the first time. With respect to this second Bill, he must observe, that he had last Session, anticipated that the necessity for introducing it would have been obviated by his hon. Friend, who was then Member for Middlesex, having brought forward a measure in the House of Commons; but that having fallen to the ground, he was left to devise some new provision to supply the deficiency caused by it; and the matters, therefore, contained in the second Bill which he had to present to the House were now brought before their Lordships for the first time. In all other respects, the Bills were the same. It was true, that the Bill had been divided into two, that part which related to education generally having been separated from the portion which had reference to the better administration of charitable funds, and this division had taken place for reasons which must be obvious to their Lordships. He thought, that he should best discharge his duty to their Lordships and do justice to the great subject which he had to introduce, especially as the point had been indirectly discussed in the conversation which took place that night, as well as in that which occurred two nights before, if he began by stating what appeared to him to be the great general principles to be followed in any attempts the Legislature might make towards the improvement, the extension, and the perpetuation of the education of the people; and if, after having stated these general principles, he should then state the modifications to which those principles must be subject, from the peculiar policy of every country, and also from the peculiar circumstances of this country and of the present time. No one was better acquainted with the peculiarities of this country, as regarded education at present, than the right rev. Prelate (the Bishop of London), and no one was more aware than himself of the difference between universal principles applicable to all countries and to all times, and those principles which are drawn from the peculiar circumstances of the present time and of this country; and without minutely attending to this material distinction, it would be impossible for their Lordships' labours to have a good result. After detailing these general principles, he should proceed to unfold the several points of the particular measure to which he wished, on the present occasion, to direct their Lordships' notice. First, he thought, that there ought to be, in no time, in no country, whatever might be the constitution of the country, and the state of society, any positive and direct compulsion as to the education of the people. He was aware that some most respectable persons differed from him on that subject—they were not a numerous body, but they were persons of great weight, because they had paid much attention to the subject, and because almost all of them were possessed of great general information; but still he could not help feeling assured, that they had been led away by looking at the circumstances peculiar to the several countries in which such a system now exists. His opinion of the system pursued in those countries and of those circumstances was, that they were totally inapplicable to the situation of England, and that they were absolutely pernicious. He thought that those persons had been led away in consequence of the mitigation of the compulsory system, from the peculiar situation of the states in which it exists; and, instead of seeing that what might work well there might be bad in itself, they had been led to believe that the compulsory system should be adopted here. They had been the more led away from their honesty, ardour, and zeal for public instruction; and they had not brought their own minds to the due consideration that there was a line over which the lawgiver ought not to pass, and beyond which he forfeited all claim to support, by the violation of some of the most sacred principles. If he were required to prove that the compulsion ought not to be introduced, he would ask any man who calmly reflected upon the subject, how dangerous a thing it would be, upon whatever grounds they put it—whatever temptation there might be for extending education—whatever risk there might be in the continuance of ignorance—whatever might be the duty on the part of the parents to educate their children—whatever mischiefs might arise, or whatever consequences might infest the whole community, from the breach of that duty of parents—he would ask that man to consider how delicate, how perilous a matter it would be to usurp the parental office by public authority, and prescribe, by a command of the State, fortified perhaps by the penalties attached to a civil offence, the line of parental management which the father and mother should pursue in taking care of the offspring which Providence and nature had committed to their care? Another answer against the compulsory principle, if indeed any other were wanting, would be, that it was a violation of individual liberty—that it was a tyranny, introduced no doubt, and he admitted it, for a laudable purpose, but nevertheless declaring, that in order to educate people they would enslave them, that in order to diffuse instruction amongst them they would contract their liberty, and introduce a system which would be intolerable to the citizens of a free state, and only fit (if fit at all) for a country ruled by a despotic government, where liberty being little known, slavery was the more bearable. He would next proceed with the principles and details of the measures he was about to propose. [*Interruption in the House.*] If noble Lords would neither read nor hear, he was not surprised at their want of knowledge on the subject. He knew the dryness of the subject, but he trusted they would at least bear with him while he stated his views on this important question. The details might be found tedious, but unless he made the House acquainted with them, it would be impossible for their Lordships perfectly or properly to understand the measures themselves. The next general rule he was disposed to lay down as fit to govern the conduct of those called upon to frame or consider measures of this kind, was not only that there should be no compulsion exercised and no interference on the part of the Government as regarded who should or who should not be educated at all, but that there should be no power given to the Government to educate the people—that was to say, that their interference should be excluded beyond what was absolutely necessary. With regard to the question of what course of education ought to be chosen, he would look with the greatest jealousy at the government of any country in deciding it. It appeared to him nothing more nor less than tyranny for any government to have the power of saying, "You shall have instruction, and you shall have none"—of deciding the number of schools to be established, the kind of instruction to be afforded in them, the mode of teaching to be adopted, and the description of books to be read. He was for no interference on the part of any authority whatever, but for leaving all parties uncontrolled and ungoverned. He would have no rules laid down either by law, or by boards, or by the joint operation of law and boards together; neither would he have the executive Government or the Legislature to prescribe a course of instruction, and teach the people according to its own model. He held it to be a right, that no Government should appoint instructors—that no Government ought to be intrusted with the power of naming those from whom the public at large were to receive the benefit of secular instruction. Although he was stating most strongly and distinctly that there should be no compulsory authority exercised by the state upon the question of whether or not children should be taught at all, or if to be taught, in what manner and in what things they should be instructed, and if to be instructed in certain things and in a certain manner by what persons that instruction should be given, although that was the principle upon which this plan was founded from beginning to end, and which he held to be the corner-stone of any system of education for a civilised community, or indeed for any community; yet he was at the same time disposed to add, upon all these points, not that an exception or modification could be admitted, far from it—but that concurrent principles might be adopted which would reconcile all difficulties, and enable him to gain a benefit without incurring a loss. Thus, though decidedly against compulsion, against forcing parents to educate their children, he would be disposed to say, not that he would hold out inducements or encouragement to them to neglect the education of their children, because that it was a duty on their part to have them instructed, and that the breach of that duty was in one sense a moral offence, an offence, however, which ought not to be visited by the law, for that the obligation was imperfect, was admitted on all hands; but he felt that this made it the more necessary, if they could, without any violation of principle or undue interference, without infringing on the liberty of the subject, without committing any innovation on his rights, or without any such risk, to hold out an incentive, an encouragement, and to give facilities of every sort to enable the parent to discharge his duty, and to induce him by all possible means no longer to neglect it. If such a course as this were pursued, then would he say he had gained a benefit without incurring a risk. Accordingly, first of all, these inducements and facilities should consist in making education cheap, good, and easily acquired; but he need scarcely say, that he was prepared to go further. That the proposal for amending the law in one or two important points, with a view of making education desirable, had found favour in his sight. Such amendments formed no part of his present plan; but it had been often said, with a view to afford an indirect encouragement to education, why not extend that provision of the Statute of Frauds which prevented certain contracts from being valid unless they were in the handwriting of the parties? It had been also said, that society in this country was now in a very fitting state for the application of such a provision under that intention. He had no great objection, therefore, on occasions where they could do so without great interference with right to extend the rule of the State's interference in the administration of a man's domestic affairs, and where there was quite a clear ground for interference, where they were absolutely certain that their direction and plan were correct, and that they were fully justified in the attempt, not only to extend excitements and incentives to the discharge of this duty beyond mere encouragement, and to render its neglect disadvantageous to the parties concerned, if not to make it attended with serious consequences. The propriety of the penal interference of the State, however, even in matters of acknowledged utility, had been matter of much controversy. He remembered an illustration on this point which had been employed in the discussion of a question of political economy that had been often broached—namely, how far a government was justified in interfering with the industry of the people in point of policy or in point of right. The illustration to which he alluded was drawn from the history of Russia under Peter the Great. The people of that country had not at that time acquired the use of the saw. Their great staple trade was in the exportation of deals, which being cut with a hatchet, were, of course, badly fashioned, besides that great waste attended the use of that instrument. It appeared to the Government — indeed, it was almost as self-evident to them as it was to us, that it is the duty of parents to educate their children—it appeared to Peter the Great —and if he had never done worse he would have earned the epithet bestowed on him —so clearly wrong and so prejudicial to his subjects to use the hatchet instead of the saw, that he commanded them to substitute the latter for the former instrument. A discouraging duty put upon deals cut otherwise than with the saw might, it was thought, have the effect of accelerating the use of it. A tax was accordingly imposed, and his recollection was, that the first year it produced a great return to the Russian exchequer, but that the next year there was scarcely a ruble received for deals cut otherwise than with the saw. Now, if he thought the people of this country had come to an universal understanding of their own, that they all felt the use of education as well as the duty of imparting it to their offspring, then should he be disposed to listen to the proposition, not certainly of compulsion even by the impost, but that some such disadvantage, or some such disqualification, should be thrown upon the uneducated: while, on the other hand, some such advantage should be given to the educated as must constitute a distinct and tangible preference between them, and thus accelerate the object the Legislature had in view. So far he was for non-interference: he would not fix the kind of education, nor determine the parties who should receive it, but he would bring it home to the door of every man, by multiplying the number of schools; and not only would he, by making it cheap, bring it within the reach of all, but he would assist in improving the style of education, by providing schools for the training of schoolmasters, by giving them greater facilities for acquiring knowledge, and greater power to the people to avail themselves of these teachers' better qualifications. These were his ideas; he would interfere as little as possible; he would render assistance; he would not force, but help, not control, but co-operate. Considering the circumstances in which this country was placed, and the principles applicable to its present situation and time, he thought that any measure which should be propounded should not be based on any general principles, but should have particular reference to them, and to the actual state of education in England. The vast number of schools was one circumstance to take into consideration. There were somewhere about 50,000 schools established throughout this country, 39,000 or 40,000 of which were unendowed, and supported by the exertions and subscriptions of private individuals. The remainder were endowed. Now, he was by no means disposed to agree in the opinion that all children taught at those unendowed schools ought to be considered charity children. The greater proportion of them were not in any sense of the phrase charity children. He had the greatest respect for those who maintained Sunday-schools; he looked upon them as having done great service to the country, but at the same time the education afforded by them must of necessity be very limited and imperfect, at least to those who attended no others; but he spoke of the unendowed day schools, and how many children, he would ask, of those who attended those schools were in a situation to be called charity scholars? Not one-half. Many years ago there might have been one-half, but even then the endowed schools were included. In the year 1820, about 600,000 was the number of children who attended all the schools, endowed and unendowed, and of that number but 300,000 were free scholars, while the other 300,000 paid. Look, then, at the increased number of day schools, and compare those who paid with those who were gratuitously educated. He found that about 1,120,000 children attended those schools, and that out of that number less than 390,000 were gratuitous, while 730,000—nearly double—paid for their education. These were facts which had been hitherto much overlooked and underrated in his opinion by many individuals who agreed with him (Lord Brougham) on other points, but who underrated the value of the present amount of education, attributing it all to charity and avowing rightly that a system supported by mere charity was pregnant with evil; that it tended to lower the character of the children; that it made too great a distinction between the different shades of society; that it was not based on the reciprocity of good offices and kindly feelings; that the kind offices partook too much of a patronising spirit, and a presumption of authority which could hardly fail from being attended with the submission, not to say degradation, of the recipients. It was supposed to be accompanied by feelings which lowered the individuals who received the education, and gave them a notion that they were not independent, but that, being the victims of poverty, they were therefore objects of charity. Now no one would go further, and he would say no one had gone further, than he in deprecating the extension of more than was absolutely necessary of that charitable system, and in wishing to see it superseded by one which would make that matter of right, which was too often considered matter of charity. But to say that all those were charity schools merely because they were supported by subscriptions, and by the personal efforts, which was more valuable still, of public-spirited individuals, and that all the children who, by the exertions of those individuals, were enabled to receive instruction, were charity children, as if they were taught in workhouse schools, was stating what no one, who had minutely examined the real state of things, would venture to assert. Another fact which made it impossible that a general system of education could be established without regard to local circumstances, and the peculiarity of different situations, was, that whereas a system which might work well in one place, would be found totally inapplicable in another. Suppose, for instance, they adopted the course pursued by the Scottish Parliament previous to the Revolution of 1688, which had been often since recommended in the English Parliament,—namely, the parish-school system. The first answer to the proposal of establishing by law a school in each parish was, that there was perhaps half-a-dozen schools in each parish already, and that to add one more without considering the circumstances of that parish, would be a very preposterous proceeding, giving it very probably where it was not required, while other parishes stood much in need of it. That system had been adopted in Scotland when there was hardly a school in the country, and trade and manufacture being in their infancy there existed very little difference in the parishes, or between town and country; but in the present state of our towns and parishes it would be absolutely and entirely inapplicable. A system that might be good for a commercial, might not be good for a manufacturing, town. If applicable to a manufacturing, parish, it might not be to a rural parish, differing perhaps in every respect, even as to its inhabitants. Every system of education, therefore, if it were meant to succeed, must be so framed as to be capable of expansion and contraction, and easily susceptible of such variations and modifications as might suit the different parts of the country, and meet the views, the wants, and the altering state of the various towns and even villages which were found to exist in England. Another circumstance imposing restraint on the introduction of a general system was, that not only were these funds raised by the exertions of individuals, but there were also many funds arising from the endowments. In some parts these endowments were more than sufficient to provide for the required instruction; in others they just met the exigencies of the place, and in others, they were entirely wanting. How, therefore, could they frame any general measure, which, operating alike in all parts and in all places, could have a beneficial tendency? What would be perfectly sufficient for one place would be utterly inefficient for another. The peculiar state of this country, as regarded the religious feelings of the people, presented another obstacle to the well-working of any uniform measure. They had in all places the Established Church, but in some parts a great proportion of the people did not believe in the tenets and conform to the usages of that Church; in some places there were hardly any Dissenters, in others they were superabundant, in some districts they amounted to a majority, and in others they were almost on an equality with the members of the Establishment. Nay, the sects themselves varied in different parts, one sect preponderING in one district, and another elsewhere. If they founded one system which might be adapted to the religious peculiarities of one sect or district, and if they applied that system to other districts, it would be wholly inappropriate. Such was the present state of education here, so much had been done by private individuals, so many schools were at present in existence, the present funds, with the assistance of endowments on the one hand, and the payment by the scholars added to private subscriptions on the other, were so considerable, and the funds required for the universal establishment of some system adequate to the wants of the whole community were so large, that it became absolutely necessary to use the greatest care and precaution, so that the efforts of individuals might not in any manner be relaxed, and so as not to intercept the funds at present appropriated to this most desirable object; they ought to assist the further efforts of persons disposed to advance the good work, rather than supplant them, always bearing in mind that the measures adopted by the Legislature should not prevent the adoption in each locality of the system best adapted to the peculiar wishes, feelings, and exigencies of the inhabitants—that they ought not to interfere with the exertions of individuals who had already assisted in their own districts, and that they ought to excite, to encourage, and to stimulate those individuals for the purpose of increasing their exertions. Not merely were the present means of instruction deficient in amount, not only were the schools already established by far too few for the number of the younger portion of the population, not only were there too few children attending these schools, for at the present period there were not more than one million and a quarter of individuals receiving instruction, or, he believed, in England and Wales, about 1,270,000, but the most lamentable part of the case was that which had been already adverted to that evening, that the majority of the schools, at least many which were called such by courtesy, or which by courtesy, and courtesy only, had the name of school applied to them, and to the operations pursued in which the application of the term teaching was also by courtesy applied, were no more fit to be called schools—if by the name schools were meant places in which anything was taught, and if by the term teaching were implied the communication of some knowledge by some method which enabled the attendants to learn, and which added something to the acquirements which were previously possessed by the pupil—they no more deserved the names by which those things were known than did any other operation to which no person would ever dream of applying the term instruction. He did not say such was the character of all the schools. No doubt many of the schools at present in existence afforded admirable instruction to the pupil attending them; and it was as certain that there were scarcely any, however good, in which the system of instruction was not capable of some improvement, if judiciously introduced. He did not mean to say that the misapplication of the name of school to places in which instruction was pretended to be imparted referred to any of the great schools; it did not refer either to the seminaries commonly designated National Schools, or to those established under the superintendence of the British and Foreign School Society—seminaries which he believed to be well conducted; but the misapplication was to the places called schools, to the operations pursued in which the name of teaching could by no kind of flattery or courtesy be legitimately given. He believed that in a large number, he thought in more than one-half of the whole 40,000 unendowed schools, the education afforded was exceedingly imperfect. He believed he should not at all overstate the fact were he to add that at least one-fourth—he was confident above one-fifth—but at least one-fourth of these schools were in such a state of discipline and accommodation—of indiscipline, he meant, of course, and utter want of accommodation—and in respect of capacity and learning, those appointed to conduct them were so utterly unprovided, that, except by courtesy and by an excess of flattery, they could not be called otherwise than pretended schools. That immediate steps should be taken to correct this they were all agreed, and the right rev. Prelate had most justly observed, that there was no one course which could be taken by the Legislature more sound or more beneficial for improving the kind of education to be given at the schools than that of providing a large supply of well-taught and properly remunerated schoolmasters. At present there was no security for the continuance of the existing schools in any given district. In many parts of the country, and particularly in those places where education was most wanted—he meant in great cities and large manufacturing towns—where the number of schools was most defective, and the kind of teaching was most lamentably deficient, this insecurity was especially felt. In some of the great towns of the north, and, he would say, in the metropolis itself, where education was most of all wanted, people were not to be found who had the power of lending their assistance towards the education of themselves or others. They had neither time to give labour, nor a purse to afford money, and yet those were the places where education was most wanted, and for which, therefore, of course, it was most incumbent on the Legislature to provide the means. It was with a view to meet all these purposes, and after considering the course which was proper and fit to be taken, that he imposed on himself the task of framing a measure in the course of last Session, to which he had since added those points that appeared to him necessary to make his plan complete, and to which he would now beg to call their Lordships' attention more particularly in detail. In the first place, it seemed to be on all hands admitted that whether they were to go further in the way of making grants of money or not, at any rate a public department was essentially necessary—called abroad the Department of Public Instruction, but which we should call the Education Board. This department was absolutely necessary, if it were only for the purpose of making a judicious application of the public money. Accordingly, the plan which he had prepared consisted in the first place in the establishing of such a board. His object now was to call their Lordships' attention to the duties which that education board would have to discharge. This formed the subject of the first Bill which he intended to submit to their Lordships. With respect to those duties relating to the superintendence and administration of charity funds, to the remedies for breach of trust, to the better and proper application of the funds for the purposes of education, they were all matters of arrangement to be considered by themselves, and which would exclusively form the subject of a separate Bill. This division of the subject into two Bills was adopted for various good reasons. Many persons felt a great difficulty with respect to a legislative measure relating to the administration of charities, who experienced no difficulty at all with respect to the duties of an education board. That was his reason, therefore, for separating the subjects. They could not perhaps be ultimately separated, because such a board could not properly discharge its duty without having some control over the application of the charity funds. The board, as it was originally proposed by him, was to consist of three paid Commissioners, not removable unless by address to the Crown by both Houses of Parliament. To these were added three ministers of State, and the Speaker of the House of Commons. But in the plan he now proposed, he had omitted the Speaker of the House of Commons, and had also omitted one of the ministers of State, so as to make the board consist of two ministers of the Crown and three life members. It was needless to state why he had made this change. Many persons were of opinion that the Speaker could have no time to devote to this subject; and it being avowedly his (Lord Brougham's) intention that the Speaker should only interfere in cases of an extraordinary nature, where his experience and authority would be required, he (Lord Brougham) thought, upon the whole, that it might be proper to omit the Speaker altogether. Then, with respect to the omission of one of the ministers of State, many persons were of opinion that it would be as well to reduce the number of ministers on the board to two, which would, at the same time, avoid the inconvenience of having an even number of members constituting the board. Accordingly, two ministers only were retained. It was necessary that there should be some members of the Government on the board, because there were many things in which the concurrence of Ministers would be required. If he were asked what those things were which made it necessary to have the constant interposition of a minister of the Crown, his answer was, that under the proposed system there would be grants of money, and there would be the administration of those grants; and it was well known that they could not intrust the task of distributing those grants to any board of Commissioners with that degree of confidence that would be felt were the distribution of them made with the concurrence of a minister of the Crown, whom both the country, and the Parliament who made the vote, would look to as responsible. It was not, however, intended that the ministers of the Crown who were members of the board should have any power with respect to the appointments of schoolmasters, in order to prevent the possibility of turning the authority of the board to purposes of abuse, nomination, and political jobbing. Having stated who were to constitute the board, the next questions were, what powers were to be vested in them, and what was the board to do for the purposes of improving and extending education? In the first place, they were to distribute the grants made from time to time by Parliament, and the funds which were now as the law at present stood, or which, as the law respecting charity funds might hereafter be made, might become disposable by that board for the purpose of education. In the next place, the board were to have the power to provide schools but with the concurrence of the local authorities. To this point, before he proceeded further, he prayed the particular attention of their Lordships. The great leading principle of the Bill, grounded on those rules which he began to state before he entered into details, was, that there should be a concurrence in every case of the local authorities—that was to say of the people amongst whom education was to be planted, or extended, or improved—with the central body before any change whatever could take place in any one of them. He thus took security, on the one hand, against too great an interference on the part of the Government — against abuse arising from that interference, against too great power being exercised by Government, against control over the education of the people by Government; and, on the other hand, he took security against what was also a possible risk, and to be carefully provided against, namely, against local abuses, against a disposition on the part of local authorities for any peculiar purposes to obtain possession of funds which they ought not to have, or to raise funds even amongst themselves which they ought not to be permitted to raise. He thus took security against both the local and central authorities, by requiring, in every instance, the joint concurrence of both. Their Lordships would presently perceive how the Bill was calculated to work out these objects. The country, for the purposes of this measure, might be considered divided into two descriptions of persons—one into municipal corporations, whose local affairs were committed to town councils who represented the people; the other into those districts of the country lying beyond the bounds of any municipal corporation, where the people had no councils, nor any body in whom the functions exercised in corporate towns were vested; in short, where, in his apprehension, there was not at present existing any competent, safe, and beneficial body to discharge those duties which were intrusted to corporations. Now, supposing both the one and the other of this description of persons to desiderate the application of the provisions of the Bill he wished to introduce, it became incumbent on him to show in what manner those provisions would work. Suppose in any town or parish there was a great deficiency found in the means of instruction: it might either be that there was no school, or that there were too few schools, or it might be that the schools already existing were of a bad description, and ill provided with teachers, or it might be that two or more of these defects, or all of them joined together (which he was afraid was too often the case), existed. Immediately, and of course, an attempt would be made when the Bill came into operation to amend these defects, by providing a sufficient supply, or a better kind of education, or by extending the number of schools, or improving those that existed. But the town council of the place could do nothing of itself. It must make its application to the education department. It must lay an estimate before the board, with all the particulars of the wants complained of. It must lay a plan before the board, an estimate of what was required; it must also lay before the board a statement of the kind of school required, the different branches of education to be taught, the mode of teaching best adapted for the purpose of their local situation, and also a statement in respect of the rules and regulations for the management of the school, for the choice of the teachers, for the discipline and for the visitation and inspection of the schools, and for the relations between the schools and the patrons. All these rules must, by the town council, or the new local authorities (of which he should afterwards speak), be prepared and laid before the board, with the reasons for requiring the sanction of the board to their proposals. If the board, on listening to the reasons, were convinced, on examining the plan approved of in it, and on scrutinising the estimates, had no objection to them—if, above all, and first of all, after examining accurately the rules and regulations of the schools either proposed to be established, or proposed to be extended, or proposed to be improved, the board approved of them—then the board, and not till then, might give its sanction for further proceedings. The board might then say to the local authorities—"We see you require so much money to be advanced out of the parliamentary grant. Furnish a certain proportion according to the rules which we have laid down, and you shall have the sum required." It was unpleasant to interrupt oneself in a statement, but the right rev. Prelate had made an observation which justified him in stepping aside for a moment from the point he was pursuing. The system hitherto adopted in extending assistance from the Parliamentary grants, was exceedingly imperfect. The rule laid down by the Treasury was, that as often as any application was made from any quarter for assistance from the Parliamentary grant, it should only be given after a certain proportion—one half, he believed—of the sum required being raised by the parties making the application. It was said, that this was holding the balance quite even between the British and Foreign Society, and the National Society. He himself first thought it was so, and during the first year it was perfectly just, for the same application was made "from us" and from the National School. When he said "us," it was because he happened to be a member of the British and Foreign School Society, having, indeed, presided at its first meeting thirty years ago. In the beginning, then, it seemed that both societies were on an equal footing with regard to the advances made to them from the Parliamentary grants. But this was confined to the first year. The British and Foreign Society actually exhausted their funds during that year; it was therefore unable to make a proportionate advance in subsequent years, so that next year upwards of two-thirds or three-fifths, or even four-fifths of the Parliamentary grant went to the National Society, and necessarily so, because that society being richer, was able to make the required proportionate advance. It did not, however, at all follow, that because applications were not made from any given place, therefore there did not exist an equal want of assistance. He could name places where the assistance from the Parliamentary grant was most pressingly wanted, and yet where there were no means of raising twenty shillings towards a fund. It was therefore imperative upon the Treasury to alter their present system. They must have a system capable of contraction, expansion, variation, and adaptation. To require a particular place to furnish two-thirds or three-fourths of the proportion of the sum wanted, might in some cases be too little, and in others to require even a much less proportion of the money, might be too much; and to require what was actually right, might probably occur only once in five hundred cases. The consequence was, that the money granted by Parliament was exhausted, and that yet education was wanted in many places. For aught he knew, the mere education and training of teachers might be alone sufficient to exhaust the Parliamentary grants, or it might be, that the Parliamentary grants should never be allowed except in those very rare instances where no fund could be got by rate locally, nor by private assistance locally. In all other cases he apprehended a school-rate might safely, and ought justly, and would beneficially, be directed under the authority of the Board, with the concurrence of the local authority. The people of such places could not complain, because they had consented to it by their representatives; they could not complain of their burden, because they had asked it by their representatives. They, and they alone, were to originate the plan. Unless they desired it they were not to be rated; unless they called for the rate, or for the power of rating themselves, the Bill gave no authority to impose any rate whatever upon them. So much for the liberty which the Bill gave to what might be called the voluntary principle, in the proper sense of the word upon the spot. But then, on the other hand, that they should not at their own will and pleasure have the power of rating themselves without the authority of the central body he took to be perfectly clear also; because it did so happen that even representatives chosen by the rate-payers at large were sometimes disposed to incur expenses which their constituents if left to themselves would not have allowed. Therefore it became not at all superfluous to interpose a protection against the possibility of such a step. Accordingly the joint consent of the local authority of the district and the central department was required before any rate could be made. He would now call upon their Lordships to observe how the Bill would work with respect to these regulations. Suppose a local body were to propound to the Board, with an estimate and statement of the want of education in their district, a set of rules extremely injudicious — a set of rules to which the Legislature and the country ought not to afford its sanction; suppose there should be any intolerance in the case; suppose, for instance, the majority of the town council should be disposed to oppress the minority; suppose that the Dissenters should have obtained a great preponderance in that body, and should propose, for instance, that no clergyman of the Established Church—(he was sure that such a case was not the least likely to happen, but he put it merely as an illustration) — suppose that the Dissenters, having authority in that body, should propose that no minister of the Established Church should ever be a teacher in their school, it would then be for the board to say—constituted, as it would be first, by the three irremovable Commissioners, and then by the two responsible ministers of the Crown — whether the school applied for should be established under their authority, and under the powers and provisions of this bill, from being a master of which one of the school-rules positively and imperatively excluded any minister of the Established Church. He would suppose another case, which he hoped, nay, which he was quite sure, could not happen; but suppose there should be any town-council where, instead of the Dissenters having obtained a majority, the Churchmen had a majority, and that they should be disposed in their rules to propose that one of them should be, that no Dissenter, or any other than a member of the Church of England, should ever be master of their schools. The board would then have the power to say to the town-council, "It is utterly impossible one can consent to this. It would be oppressive to the Dissenters; intolerable to all who were not members of the Church, not creditable to the Church itself, nay, it would be injurious to the Church; therefore, as friends of the Establishment and friends of toleration, it is our bounden duty to refuse our sanction to schools, one of the rules of which is of that exclusive and intolerant description." Why, then, it might be asked, what would be the consequence? The majority of the representatives of the rate-payers might say, "We have required to have schools established, and because one of our rules is, that no Dissenter shall be a teacher in them, we are refused assistance. Is it not hard that if we choose, as a majority, not to admit a Dissenter to be a teacher, we should be deprived of any assistance from the Parliamentary grant?" To which he would answer thus. "It is all very well for you who happen to be a majority, that there should exist such a rule, but there happens to be a minority as well as a majority, and I feel it my duty to interpose the shield of the board of education to protect that minority, so as to prevent the majority acting intolerantly towards them, and from excluding them and their children from those very schools to the support of which you, the majority, require the board to give you authority to levy a rate from that minority." Well, then, what happens. The board refuses to give the council authority to levy a rate. They must be left without a rate, and the parish must be left as it now is, and no school can be established upon this principle. Those who wish to subscribe to a school of their own, where the rule shall be that no Churchman, or no Dissenter, as it may happen, shall be the master of the school, may subscribe according to the voluntary principle out of their own money; but they can have no portion of a grant from Parliament; they shall have no power to levy a rate in an unjust, unequal, and intolerant shape. In all these cases matters would be left as they now are. He believed that those cases would be very rare, and that they were much more likely to happen in argument than in practice. Their Lordships would, therefore, perceive that compulsion being excluded, that intolerance being excluded, that the joint operation of the board and the local authorities—and only the control of the board were necessary, and where safe as well as advantageous—being alone allowed—it might be truly said, that the voluntary principle, as far as it could be applied, would, according to the disposition and desires of each place, be exercised in applying and putting in force the power and authority of this bill for the improvement of the school and the adoption of conciliatory measures. But he might be asked, as had been frequently asked out of doors, and once or twice asked by one for whom he had the greatest possible regard—he meant a noble Friend in the other House of Parliament—he might be asked why, when stating that additional means would be rendered necessary to carry this measure into effect in places where there were no municipal corporations, he did not take the machinery that was in existence, instead of introducing new machinery? "You have, it is said, the machinery of the new Poor-law; you have the boards of guardians that have already been formed, and unions are likely to take place in all those parts of the country where they do not at present exist." The Poor-law Bill, he was told, would sooner or later extend over the whole country, and why not, therefore, take advantage of the arrangements of that important measure for the purpose of enabling the establishment of schools under the provisions of the Bill he now proposed, in places beyond the limits of the municipal corporations. He thought he could answer that question very satisfactorily, and show how utterly it was impossible, with a view to the well-working of this measure, as well as the right-working of the Poor-law Bill itself, to make this junction between them. In the first place, the Poor-law Commissioners were sufficiently worked already. The boards of guardians were sufficiently worked already. Indeed, he knew of places where it was complained of that they did not attend. But he passed that over, for that was really the least of his objections. No person was ever a more strenuous friend to that great measure than he was. He had often times had reason to repeat his opinion of the absolute necessity of that Bill; he had done so before the event, and since the event of its entire success in most places, and in all places of its succeeding better and failing less than he could ever have expected. Nevertheless, he could not shut his eyes to the fact, that in some places that important measure—a measure calculated to work so much good, and in the end, he would venture to say, absolutely certain to conciliate all men's favour and affection—a measure which had already done so much good, not only to those who pay rates, for that was the least part of its merit in his eyes, nay, it was no part of its recommendation with him in supporting it, but in bettering the condition of the poor themselves, in increasing their comforts, and above all things in giving them a higher tone of moral feeling, a greater self-respect and self-dependence; notwithstanding his partiality to that measure, and his absolutely certain conviction that in the end all men, even those who most oppose and most denounce it, would be reconciled to it, and approve of it, nay, further, would be grateful for it, yet he could not disguise from himself, nor conceal from their Lordships, that in some considerable portions of the country it had not met with that favour which it merited, but had been met in some quarters of the country, by a spirit of opposition and of attack which had not been confined to the measure itself, but had been extended even to its authors, and it was still in some places what might properly and shortly be termed an unpopular measure. But because the new Poor-law Bill was in some respects and in some places an unpopular measure, was he, to extend any part of the unpopularity of that measure to the Bill which he was then submitting to their Lordships' consideration? Was he to load with any unnecessary unpopularity derived from a connection with the Poor-law Bill, and which was peculiar to the Poor-law Bill, and which did not naturally belong to this Education Bill—was he to load with any unnecessary unpopularity, derived from such sources, a measure which to succeed must depend much upon the good feeling of the people? A general system of education, whether under the Bill he then proposed or under any other Bill, could not possibly be extended and improved, much less made universal over the country, unless the affection and respect of the people were, by all possible means, conciliated. That being the case, it would be one of the least prudent and least safe courses that could be taken to load this new measure, and through the medium of this measure to load education generally, with any one atom, however small, of the unpopularity which at present, and only at present, attended the other measure. In like manner, no doubt, certain controversies would arise with respect to the administration of the new system of education. Great heats and contentions would doubtless at times arise as to the mode in which the provisions of the Bill should, in certain instances, be carried into effect. The board might differ from the local authorities—the local authorities might split amongst themselves—disputes, no doubt, would oftentimes run high, and frequently, perhaps, upon the very questions upon which there was the least real ground for difference, and upon which it were most desirable that there should be a perfect union of feeling and conduct. Against such difficulties the Bill could not provide, because they were difficulties that arose out of the infirmity of human nature. But with such difficulties to contend against, was he further to load his Education Bill with any of those matters of contention and of controversy to the Poor-law Bill? or, on the other hand was he to load the Poor-law Bill with any of the difficulties which were peculiar to the Education Bill, which might arise out of the Education Bill, but which could not by possibility arise out of the administration of the Poor-law, unless some injudicious union of the two were effected? It was his wish, and in the framing of the Bill it had been his endeavour, to keep the two measures totally and completely separate. He would not in any way unite them. Foreseeing a sufficient amount of difficulty in the administration of the one, he was most anxious not to introduce into it an of the bitter strife of the other. He now came to that part of the measure which related to the extension of the new system to those places in which there were no municipal bodies. For this purpose, keeping still to the voluntary principle, which ran through the whole of the Bill, he proposed, that if any parish or township, not having municipal institutions, chose, it might obtain for itself such a body as should give it the power of availing itself of the provisions of the Bill, and of putting those provisions in force in the way he had already described by the mutual assent of the local authority and the central board. For that purpose it was provided, that if any given number (five or six for instance) of persons in the parish or township made a requisition to the parish officer, the parish officer should call a meeting of all persons who liked to attend such a meeting. Who those persons were he would presently state to their Lordships. The bulk of them, no doubt, would be the rate-payers and owners of property in the parish or township. When these persons, together with those whom he should by and by mention, had been summoned and assembled at the meeting convened by the parish officer, this question was to be propounded to them—" Did they choose to have a school committee appointed? " If the majority of them said, " No, we do not want it—we have education enough," he would not force it upon them; he would leave them as they were, waiting till the general progress of improvement had extended to them, and made them desirous of availing themselves of the utmost advantages that an improved system of education could afford them. If the majority of the meeting did not agree to have a committee, still it might be said amongst them, " We are the friends of education, but still we think there is enough here—we do not like anything in the shape of Government interfering, even through the medium of such a board as this—we do not like rates—let us remain as we are." Very well, they would remain as they were; the Bill would not apply to them; they might continue in the course which they deemed best, or which was the most agreeable to them. But if, on the other hand, the majority said, " We want schools, or the schools which now exist want steadier friends to support them—it is not right that we should allow our education to rest upon such precarious grounds—we want a better system of instruction and more money for that purpose," then if they chose they would appoint a school committee, which school committee would be composed of rate-payers, and the members of the committee so appointed would have the power of levying the rate for school purposes upon the parish. Having thus provided for the manner in which the school committee was to be appointed, the Bill afterwards detailed the manner in which the committee was to act, and defined with much exactitude the limit to be imposed upon the authority of the board on the one hand, and of the committee on the other. From the statement he had just made their Lordships would perceive that what the council were with respect to education in corporate towns, the school committee would be in places which had no corporations; and, further, that by the institution of the school committees, the system, according to the principle he had already described, would be made quite universal throughout the whole of the country. Then the question arose, how was the constituency to be formed which was to choose the school committee? He besought such of their Lordships as honoured him with their attention upon that important question not to be staggered with the proposition for the qualification of voters which he was about to explain; because he began by stating that it was entirely new, and therefore he knew was not likely to find favour in the eyes of some of those whom he addressed. It might also be objected to by those who were against increasing the weight of the people in their elective capacity. Furthermore, he admitted, that after it had been once adopted—and he was sure candour could go no further than he was then going, for he was raising against himself that which he felt to be the most powerful argument that could be employed against his proposition, and running the risk of alarming such of their Lordships as were generally favourable to the Bill, on account of the possible perversion to other uses of the principle he proposed to introduce—a principle carrying with it all the startling effects of perfect novelty, with a strong liability to be extended, nay, with a great temptation to be extended, to other uses which many of their Lordships would think a perversion and an abuse of it—he admitted that this part of the Bill was liable to all these objections; but still, with the feelings that he entertained upon the subject, it was utterly impossible that he could do otherwise than incorporate it in any measure upon the subject of education which it might be his lot or his fortune to introduce to the Legislature. He must add, having with the utmost candour pointed out the very formidable nature of the objections which he was quite sure would be used against him, and having also adverted, although he hoped only for the purpose of warning their Lordships against their own feelings and their own prejudices (if he might take leave to use such a term upon such a subject)—having with that view stated the objections to his principle in their broad dimensions, and painted his project, he really thought, in its very worst colours—having so done, might he be permitted to add, in fairness to himself and to his measure, that the principle to which he had thus adverted was not so combined with the Bill as to be inseparable from it if there were found to be an invincible repugnance to it, so that those who approved generally of the rest of the measure, but objected to that one point of it, would not be under the necessity of voting against the whole Bill? That part of the Bill, if the objection to it were invincible, might be lopped off and cast away without injury to the remainder. If their Lordships were to tear out that provision of the Bill with all the disgust, abhorrence, and aversion that men could properly entertain towards any proposition, they might do so if they pleased—it did not necessarily affect the rest of the measure. He hoped it had vigour to survive the operation. His first hope was, that the operation would not be performed: it did not follow that death should ensue. Did their Lordships suppose that it was universal suffrage that he proposed to introduce? He thought that something might be said for universal suffrage in an Education Bill. The qualification of those who were alone to levy the tax required that they should pay the tax themselves which they joined in levying. He did not propose universal suffrage as regarded the election of the school committee. Not at all. The school committee was to be composed of persons who paid as their neighbours paid, and who had no right to put their hands into their neighbours' pockets without at the same time in proportion putting their hands into their own. So that universal suffrage, if applicable to the education franchise, that was to say to the franchise for the choice of a school committee, whose duties and labours were to be confined solely and exclusively to the management of school concerns, was not liable to the same objection in this instance as it would be if applied to the elections of Members of Parliament, because the party chosen had the qualification of being a rate-payer himself. But in truth, it was not universal suffrage that he was about to propose; he proposed a qualification for the franchise—a qualification not only, he was much afraid, infinitely restricted in comparison with universal suffrage—not only a qualification, he was sorry to add, that would exclude a vast portion of the industrious, honest, worthy fellow-citizens in every part of the country—a qualification that would not only keep out from all concern and all voice in the affairs of any one parish or township a vast many thousands of their fellow-citizens, who, if there were not certain qualifications required for performing the duties of the office, which unhappily they had not yet attained, would in every respect be most fitted to take part in the proceedings of these committees—but a qualification, a franchise, so restricted that when he stated the nature of it their Lordships would at once perceive that it was peculiarly appropriate where the question was the choosing a committee for the superintending the affairs of a school. He proposed an education qualification. The Legislature had given a right to choose Members of Parliament to persons who possessed a *10l.* franchise or a 40*s.* freehold. It had also given a right to choose town councillors to persons who were rated in any way. Of course his object was, that all those persons who were rated at any amount whatever should in the first place enjoy the franchise of voting for the school committee; but then he went further. He held that there could be no harm, but every kind of benefit possible, in extending it in the direction he was about to mention. They wanted well-informed persons; they wanted persons of sober and industrious habits—men whom they could safely trust—men who were not likely to be led away by their ignorance, or to be debauched by bribery and corruption, to which persons of dissipated habits, and who were not respectable in their life and conversation, were liable. He proposed, then, to take those men who had given a proof that they were of sober habits, that they were of industrious lives; that they were friends to education; that they had made efforts to educate themselves; and men who, to a certain extent, had profitted by their successful efforts, and had already, to a certain extent become educated men. In the first place, he might, perhaps, be asked what test he had that these men were sufficiently educated? and in the next place, it might be inquired how, when he had proved the extent of their education, he proposed to unite them with the particular locality in which the provisions of the Bill were to be put in force? In reply to these questions he would state, that in order to combine the voters with the locality, he required twelve months' residence. It was provided in the Bill that no person, otherwise qualified, should be at liberty to use his qualification unless he had been resident in the parish or township for the full period of twelve months. These, then, were the persons who independent of the rate-payers, would be admitted to the franchise. The board would have the power of enrolling, by an act of its own, all mechanics' institutions, all associations for education, all literary societies for all classes, and all education societies for all classes, under certain restrictions and according to certain rules; so that all persons who had for a certain time been members of those most useful, most advantageous, most meritorious bodies—all persons who for a certain time had devoted themselves to the affairs of those societies and associations, and thus promoted the education of others and improved their own—it was provided by the Bill that all these persons, having passed a certain time in such course, and being inclined to become members of such a body, should have a right to vote, each in the parish in which he resided, for the members of the school committee. He went a step further. He proposed to extend this privilege to all persons of whatever rank who had been educated at either of the universities, at the inns of court, at the inns of chancery, at the public schools, or any schools whatever, and of all classes of the community whatever, were it high, middle, or low—he proposed that all these persons, the time they had spent at school being taken as guarantee that they were not ignorant, illiterate, uneducated persons, should, after a year's residence, be admitted to the right of voting on the school affairs of the town, parish, or district in which a school committee should be appointed. He had thus detailed boldly and at once all the points of the Bill upon which he anticipated the strongest opposition. The principle of election which he had last explained was, he knew, the most formidable. He might have omitted it altogether; he might have left the franchise in country districts and in unincorporated towns upon the same footing as that upon which it already stood. But as he entertained now, and had always entertained, a very strong and decided opinion in favour of this kind of encouragement to education, in favour of this species of indirect, he could not call it compulsory, furthering of education—as he had always had a very strong opinion of the merits, the transcendant merits, of those industrious classes, who, to their immortal honour, struggling with every disadvantage—struggling against narrow circumstances and cramped means—struggling against the difficulties and the disadvantages that resulted from an imperfect education—struggling against the obstacles and impediments presented by those who would discourage them in their efforts to improve, from a foolish and preposterous jealousy of their treading upon their own heels, and who, for that cause, would prevent them rising in society by the best and most meritorious ladder—mental superiority—who against all these disadvantages and disencouragements, still occupied the highest place in the estimation of those who looked at man beneath the surface—with the heartfelt respect which he had always cherished for those persons—with the affection and love which he entertained for those classes from a long and intimate knowledge of them, and from a deep and daily increasing sense of their transcendant merit, both of understanding and honesty, and he must be permitted to add of genuine independence, he believed he should not have discharged his duty, nor have acted fairly towards his own feelings or principles, nor fairly towards the persons he had mentioned, nor fairly towards this measure of education, if he did not in the outset declare and explain the nature of the principle he had introduced into it, and which he hoped would be permitted to receive the sanction of the Legislature. He preferred making the statement boldly and at once because he knew he could not press the Bill through another stage without the necessity of apologising to their Lordships for having in the first instance avoided any allusion to so new and so important a principle. He took leave to add that he had never concealed from their Lordships, for the last two or three years, the strong impression which prevailed in his mind of the necessity, as he stated the other night, of a material extension of the elective franchise, properly so called. He spoke then not of the school franchise, but of the parliamentary franchise. The parliamentary franchise, it was true, had nothing to do with the measure he was then bringing forward, and ought properly, no doubt, to be altogether excluded from their consideration upon that occasion. If he adverted to it at all, it was for the purpose of reminding their Lordships of what he had stated a few nights ago, and which had elsewhere been most unaccountably misunderstood. It was stated, that the idea of a further extension of the suffrage was a new opinion that he had recently taken up—an opinion that he had never advanced before. Why he stated the very same thing in the last Session of Parliament. He stated only a few months ago, standing in his place in that House, that his opinion was, that to amend a few of the details of the Reform Bill would not be sufficient, but that it would be absolutely necessary to extend the right of voting. He had got no new light upon the subject, although he believed others had. He held now the same opinions that he held the last Session, and which he had then declared. At the close of the Session, he expressly and explicitly declared what his opinions upon that point were; and only about six weeks ago he had repeated them, in a letter addressed by him to the people of Manchester. To say, therefore, that he had received anything like a new light upon the subject, was a mere forgetfulness of the whole facts of the case, and he should not be doing justice to other persons, nor common justice to himself, if he did not take that opportunity of alluding to the erroneous statement. But this had no connexion with the Education Bill, the franchise conferred by which was, as he had already explained, a very ample extension of the franchise as it was given either by the Reform Bill or the Municipal Corporation Bill. But that part of the Bill which related to the franchise was separable from the rest. It mixed itself up with none of the other details of the measure. It appeared to him (Lord Brougham), to be a great improvement; and, he hoped and trusted, that the Bill would not pass without it; but if any man objected to it, unless he objected to the rest of the Bill upon other grounds, he would have no right to endeavour to defeat the whole measure on account of any disinclination or aversion which he might feel for this part of the proposition: it could, with ease, be separated from the remainder. He had not introduced the vote by ballot; he did not consider that the vote by ballot would be applicable to this subject. His opinion upon the ballot had undergone some change, and he was not ashamed nor afraid to avow it. He still thought that the ballot would afford no protection to the tenant; he still thought, that it would be inefficacious to the protection of the tenant in towns; but, at the same time, he could not shut his eyes to the fearful position in which the working of the Bill had placed another class of voters, who deserved protection as well as the tenants—he meant the inhabitants of the towns, the honest tradesman who dared to vote as his conscience dictated. Therefore, it was, that he had come to the opinion that the ballot must be tried, unless some other measure could be devised and passed for the protection of that valuable class of the community. Having come to that opinion with the utmost reluctance—having had all along, for reasons which he need not then repeat nor explain, having oftentimes adverted to them in the other House of Parliament—having throughout the whole of his career entertained a degree of repugnance and aversion for the ballot, which he had never found words sufficiently strong to express —nothing but an absolute, uncontrollable necessity—nothing but the total want of any other remedy—nothing but the despair of finding (after so many fruitless attempts had been made) even the shadow of a protection to the honest and conscientious voter in any other direction, or from any other quarter—nothing short of this could have persuaded him to overcome the aversion and repugnance which he entertained to the ballot. But the experience of the last two or three years, and more particularly of the last election, compelled him, with great reluctance, to come over to the opinion that the ballot should be tried. However, he did not think that any necessity existed for introducing the ballot in school elections. Here, he thought, the common mode of voting would be preferable. At all events, he expected it would succeed. Whether their Lordships, and the other House of Parliament, should be of opinion that the education suffrage should be proposed, should be taken to its full extent, or with restrictions and modifications, or should be omitted altogether, leaving the rate-payers only to elect the school committee, in either case, he was quite sure, that there would be no necessity to prescribe any other than the ordinary mode of election in the choice of these local bodies. He had now stated the outline of all the provisions of the measure. He was perfectly ready to admit that it was one of considerable extent, in many respects new, and in all respects dealing with interests of the highest importance. He thought, that the more their Lordships considered its details, and the principle upon which it proceeded, the more it would be found to deserve the name which he last year gave it, namely, a measure for the purpose of doing all that is wanted for the education of the people without doing more, of interfering on the part of the Legislature and the Government as far as is necessary, and no farther, a measure for reconciling all wishes and all local interests, and interfering with none, supplanting nobody, suppressing no efforts, and giving rise to no vexatious heart-burnings or jealousies, but simply consulting the improvement of the people, and the bettering of their condition, without at all interfering with their domestic affairs, or endeavouring to enforce those who, to be really improved, ought to be enticed and drawn. It was a Bill which reconciled many apparent inconsistencies and established forms which amounted in the whole to one great universal system of education, as far as anything systematic could be applied to a country the diversity of whose local circumstances were so great and various as in England. If in bringing forward a measure upon this subject, he had overlooked or neglected the great number of schools already established, the great amount of charitable funds applicable to the purposes of education, the unequal distribution of those funds, and the state of the country with respect to its religious denominations; if, neglecting all these circumstances, he had at once framed a plan upon some general systematic, symmetrical principle, it would have appeared far more plausible to their Lordships, much more beautiful to contemplate, much more deserving the name of a system, much more entitled to the useless praise of symmetry and proportion, but when it came to be worked would be found applicable perfectly to no place, perhaps repugnant to the feelings, and irreconcileable to the interests of many places, and in almost all places less advantageous than a measure founded upon the same principles as that which he was then introducing to their Lordships' attention. He entreated the attention of their Lordships, he solicited the attention of the country, to the subject; he anxiously hoped for the support of the country, and for the support, above all, of those who had been the steady, the indomitable, and the zealous friends of education for all classes and all sects. That there should be any clause in a measure of this sort excluding religious instruction no man in his sober senses would ever for a moment dream of. That there should be a clause providing for religious instruction, and laying it down as an absolute rule that the whole of that branch of education should be given in such places, could only be supposed by a man equally out of his senses. That there should be no exclusion of religious instruction, but that, on the contrary, there should be a direct recognition of it, he was decidedly of opinion. He certainly was one of those who thought that the Bill should contain, in positive and express terms, a provision that in all schools founded, extended, or improved under the Bill, the Scriptures should be read. He had accordingly introduced into the measure, a provision making it imperative upon the board to give its sanction, whether for the foundation, extension, or improvement of schools, to none of which the rules and regulations did not prescribe, that a part of the reading of the scholars should be from the bible, and that the whole scriptures should be read. He did not mean that the scriptures only should be read, far from it, God forbid, but that they should form a part of the reading. The clause was of course accompanied with this proviso, that the children of any Jewish or Roman Catholic parents who might attend the schools, should not be required to be present when the scriptures were read, unless the parents desired it. He had no doubt that this was fit and proper to be added to the Bill; and he was equally of opinion, that it would still all differences of opinion upon the subject of a national system of education. He had sanguine hopes of the success of the measure. If it were well administered—if education continued popular in the country—if nothing were done to raise the spirit either of political faction, or, above all, of religious discord, in the course of the passing of the Bill—and if, after it had passed and come into operation, those feelings should continue which took their rise out of a common and universal and truly wise, as well as truly Christian regard for the right instruction of the people—then he verily believed that the Legislature which had passed the measure, would be acknowledged in all time to come to have bestowed the greatest blessing that ever lawgiver conferred upon a nation. He felt that he ought to apologise for having detained their Lordships so long, but he conceived that he should not have discharged his duty if he kept back any one feeling that he entertained either upon, or in connection with, this important subject. The noble and learned Lord then laid the Bills upon the table.

The Earl of *Winchilsea* said, he should not have troubled their Lordships on the present occasion but for something which had fallen from the noble and learned Lord in the latter portion of his observations. He had no hesitation in declaring that there were many sentiments in the long and powerful speech that had been delivered by the noble and learned Lord in which he heartily concurred; and more especially he had great satisfaction in finding that from the noble Lord's proposed system religious instruction was not excluded. Nay, so far was religious instruction from being excluded, that in every school the reading of the Scriptures was enjoined.

Lord *Brougham:* The reading of the Scriptures is to form part of the system of education.

The Earl of *Winchilsea:* It was to form part of the system of education; and, therefore, instead of religious instruction being excluded from the noble Lord's plan, it was required. This was in accordance with the sentiments on the subject contained in the petition which had been presented by a noble Marquess from Manchester, and in the petition which had been presented by a noble and learned Lord. He repeated that that part of the noble and learned Lord's proposition gave him great satisfaction; for he had always held it to be the first and most positive duty of a Christian legislator of this country, however disposed he might be to extend the education of the people (and he was far from being indisposed to extend that education as widely as it could, with propriety, be extended), to take care that of that education, religious instruction should form the foundation. He felt that he had not sufficient ability to follow the noble and learned Lord into his numerous details on the subject; but he was apprehensive that those details were so extensive and so complicated, that it would be impracticable to found upon them any general system of education throughout the country. There was one point to which he certainly objected, and that was the establishment of boards of commissioners for life, armed with powers to counteract the wishes of the majority of those by whom the schools were to be supported; for, if he understood the noble and learned Lord correctly, where the majority of a parish or district was in favour of the establishment of a school on such or such principles, the Commissioners might overrule their decision, and give effect to the opinion of the minority.

Lord *Brougham;* All that the Commissioners could do under such circumstances, would be to decide that there should be no school.

The Earl of *Winchilsea:* Then the minority would triumph.

Lord *Brougham:* There would be no school at all.

The Earl of *Winchilsea* said, he should be sorry to see a board of commissioners armed with such power as to render the decision of the majority ineffective. He would not go into any consideration of other opinions which in the course of his speech had been maintained by the noble and learned Lord; especially as they were not connected with the subject before their Lordships. If it should be proposed to extend the suffrage under the Reform Bill, or to introduce voting by ballot, on those questions he should be prepared to state his opinion whenever they might be brought before their Lordships; but he could not help expressing his great regret that the great question of Parliamentary Reform, the agitation connected with which had begun to subside, was to be again thrown open; and he could not avoid anticipating the most prejudicial consequences from the proceeding.

Lord *Brougham* wished to explain with respect to the provision of the Bill, to which the noble Earl had adverted. It was only to prevent a majority from levying a rate for a purpose in which the minority was uninterested, and to which they were opposed. The majority might still subscribe money among themselves for the purpose of having the description of school which they preferred. For instance, suppose the majority of the inhabitants of a parish were Dissenters, and they wanted to have a description of school which would include the children of the Church of England persuasion, and to levy a general rate for that purpose, "Oh no," the Commissioners would say, "we will hold the balance between the members of the Church of England and the Dissenters, and we will not allow the Dissenters to levy a general rate for their particular purpose." The same would take place, if the majority of the inhabitants, being members of the Church of England, wished to include the children of Dissenters.

Bill read a first time.

HOUSE OF COMMONS,

Friday, December 1, 1837.

MINUTES.] Petitions presented. By Mr. BANNERMAN, from the Merchants and Ship-owners of Edinburgh, in favour of Mr. R. Hill's plan for equalizing the rate of Postage.—By Mr. WAKLEY, from Finsbury, for the Establishment of a Court of Requests, in that Borough having a judication to the amount of 10*l*.

BRIDGEWATER ELECTION.] Mr. *Ward* rose to present two petitions respecting the manner in which Members were elected in the borough of Bridgewater. The first was signed by nearly 150 of the most respectable and influential inhabitants of Bridgewater. Amongst the signatures were the names of two noblemen, thirteen gentlemen or esquires, and 129 shopkeepers; these petitions complained of the open, notorious, and profligate corruption that prevailed in that place on elections of Members of Parliament. For some time past the most corrupt practices had prevailed in that borough, and bribes had been offered and accepted for votes, and the petition went on to state that there was a body of electors in that borough who invariably sold their votes to the highest bidder, and although there were many persons in the borough who did not sell their votes, yet that those that did being the larger body preponderated in the elections, and thus by corruption secured the return of the Members. The petition went on to state that at an election that took place in the spring of the year, when Messrs. Sheridan and Broadwood were the candidates, a room was opened by the friends of the latter for the purpose of receiving the voters; that it was partially darkened, and on entering it those who were disposed to vote for Broadwood received a ticket, and when the election was over, on returning it, they were presented with a parcel which contained ten sovereigns. It appeared that 150 votes were bribed in this manner. The petitioners prayed that the House would cause inquiry to be made into the state of the borough of Bridgewater, with the view of affording them an opportunity of verifying the statements contained in the petition before a Committee of that House, and that the House should adopt such further steps as it might deem necessary for the purpose of securing the freedom and purity of election in that place.

Mr. *W. Miles* wished to learn from the hon. Member for Sheffield whether he had given notice to the Members for Bridgewater of his intention to present this petition, involving as it did such serious accusations?

Mr. *Ward* replied, that he had not given notice, as he at present had confined himself merely to the facts stated in the petition; but he intended after the recess to bring forward a specific motion for inquiry into the allegations of the petitions. The next petition which he had to present was from Sir Thomas Lethbridge, who was a candidate at the late election, complaining of the acts of corruption committed there.

Mr. *Gladstone* rose to order. He would put it to the hon. Gentleman whether he was justified in making a statement involving the character of Members of that House, when the parties were not there to answer him.

Mr. *Ward* had not made any statement calculated to raise a prejudice against any parties; but he had merely read extracts from the petition with a view of showing what was the nature of the petition. He could assure the hon. Member that he had altogether mistaken his conduct in supposing that he would lend himself to attack the character of any hon. Members in their absence. He had not made a single observation or remark on the petition; he had confined himself entirely to the allegations made by the petitioners, in doing which he believed that he did not transgress any of the rules of the House. The next petition which he had to present was from Sir Thomas Lethbridge, and it contained statements nearly the same as alleged in the former petition, and prayed that an inquiry might be instituted into the state of the borough of Bridgewater.—For the purpose of affording this opportunity he should at a subsequent period move for the appointment of s Select Committee upon the subject. The third petition which he held in his hand was from Sir Thomas Lethbridge and three other electors of the borough of Bridgewater, against the return for that place at the last election. This last petition, therefore, was an election petition.

The *Speaker* interrupted the hon. Gentleman and said that, with submission to the House, he doubted very much the propriety of presenting a petition to the House involving certain charges against certain persons, including the sitting Members for a borough, and afterwards receiving a petition from the same person questioning the return of the said sitting Members. He would appeal to the hon. Member whether it was fair or reasonable of the petitioners to endeavour to resort to two distinct remedies for the same alleged grievance. He must put it to the House whether the adoption of such a course was not against the spirit of the proceedings the House always adopted with reference to election petitions.

Mr. *Ward* remarked, that the first petition was uot signed by any person who had signed the election petition, The second petition undoubtedly had been so signed, as the name of Sir Thomas Lethbridge was affixed to it. If, therefore, it appeared to be against the feeling of the House to present this petition, he would withdraw it until after the proceedings on the election petition were terminated.

The *Speaker* stated, that he did not wish to take upon himself the decision of such a question; but it was one, in his opinion, which admitted of great doubt. The hon. Gentleman stated that the petitioners complained that this was a case of notorious bribery, and that the House should deal with it independently of any election petition. He could not, however, help feeling that to pursue this course would be dealing with the subject in a manner that was contrary to the spirit of their general proceedings on election petitions. It was a very different case when there was no election petition, or when the time for petitioning against the return of the sitting Member had expired.

Mr. *Hume* was of opinion that the first petition alluded to elections that had occurred in former Parliaments, and when Mr. Sheridan was candidate. He did not think that the receiving these petitions could in any way prejudice the case of the sitting Member. The petition should be considered as containing matter of information for the House, and that it, as well as all other petitions, should be received, that were not directly at variance with the rules of the House.

The *Speaker* said, that his objection to the reception of the petition was precisely that stated by the hon. Gentleman, namely, it was at variance with the rules of the House. It was considered unfair to receive a petition containing general allegations of certain facts, and making certain complaints from the same persons who had signed the petition against the return of the sitting Members. There could be no objection to the reception of the first petition, which as far as he understood, contained only general allegations of bribery, and did not come from the same persons who petitioned against the return.

Mr. *Ward* willingly bowed to the decision of the chair, and would withdraw the petition of Sir Thomas Lethbridge, but he should move that the first petition be printed. The other petition was an election petition against the return, which he should move be taken into consideration on the 12th of December.

Mr. Hume moved that the petition be read at length.

Mr. *Courtenay* stated, that he was but a young Member of the House, and but little acquainted with its rules; but he could not help feeling that it was not consistent with fair dealing to make charges of bribery and corruption against the sitting Members for a place in the way done by the petitioners. He considered the first petition to be in the nature of an election petition. Now, there was already an ordinary petition against the return of his hon. Colleague and himself. He did not know, however, whether this petition made allegations of bribery and corruption against them. For the sake of argument it might be assumed that it did, and if such were the case, he had no hesitation in affirming that it was one of the most scandalous and dishonest petitions that had ever been presented. On such a case as a controverted election petition, ought any man to bring forward charges bearing on the conduct of former elections? If the state of the representation of Bridgewater were such as had been described, and if the electors of that place had been guilty of such conduct as had been imputed to them, and if such abuses as had been described had existed for a long series of years—at least beyond living memory, there might be ground for the House to interfere for the protection of purity of election. But it was most improper and unjust that such a petition as had been read should be brought forward at such a time as the present, for no other purpose than to prejudice the minds of the Committee of that House and the country against the parties petitioned against in this election petition. He had no hesitation in saying that such a petition was a dishonest, scandalous petition. Those who complained of the state of the constituency of Bridgewater should have had the decency and common honesty to wait for the result of the election petition, and to have seen what had been the conduct of the electors at the last election. If it should turn out that in this calumniated borough, though abuses might have existed in former elections, that no proof could be adduced of any bribery or corruption having been practised at the last election, was it justice to punish the existing constituency for acts committed long since, and of which they had repented, and which had not been continued at the last election? Therefore, he said, that it was a dishonest and disgraceful petition, and went, against all the rules of justice, to punish for offences which had been forgotten long since. The petition had for its object to produce the influence which notoriety and report had, it was well known, on the minds of juries, for an election committee in such a case was nothing but a jury. He could not help feeling that the allegations of bribery and corruption brought against himself and colleague were intended to supply the deficiency of proof as to the illegality of the return at the last election, by going back to certain proceedings to which he was no party, as he had never, until the last election, put himself forward for the borough. He should not be doing his duty to his hon. Colleague if he did not attempt to vindicate him from the charges brought against him. These charges had not in any way been proved. It was said, indeed, that the petition was not prosecuted on account of certain causes, to which it was not necessary for him to allude. It was most dishonest towards his hon. Colleague, for the purpose of prejudicing the question to be tried by the election committee, to present this auxiliary petition, apparently on public grounds, but in fact in order to prevent justice being done on the present occasion. With these remarks he would sit down, trusting to the justice of the House. He had thought it due to his hon. Colleague and himself to meet the statements that had been made by the petitioners, and to urge upon the House the impropriety and injustice of receiving this petition. He would throw himself on the sense of the House and the hon. Member for Sheffield; he would appeal to the hon. Member as a man of conscience and a man of honour, which he presumed the hon. Gentleman to be, whether he would be justified in persisting in the motion to print this petition until the merits of the election petition had been determined upon.

Sir *William Follett* regretted that he was not present when the discussion arose; but he would appeal to the Speaker and the House whether this petition could be received. Since he had been in the House he had collected from the speeches of the hon. Member for Sheffield that he had had three petitions to present; the first was a common election petition against his hon. and learned Friend and his hon. Colleague, upon the ground of bribery and corruption. He also understood that the hon. Gentleman had another petition of a different nature; it was a petition from a gentleman who was a candidate at the late election, not only complaining of the general state of the borough at former elections, but also referring to the late election. In consequence of a suggestion from the Speaker, the hon. Member for Sheffield thought it right to withdraw that petition, as it was not fair to offer a petition containing such allegations to the House at the time an election petition on the same subject was before it. The first petition, now before the House, was from certain electors of the borough of Bridgewater not the same as had signed the election petition, but others, and they went not only into allegations connected with former elections, but the very last election. They stated that bribery and corruption prevailed at former elections, and they prayed the House that inquiry might be instituted into the state of the borough, not only at former elections, but at the late election, which allegation materially affected the seats of the sitting Members. He would submit to the House that when an election petition was presented against the sitting Members, it was not fair nor right that that House should receive another petition from the same borough making charges of the same sort, and demanding a committee of inquiry of a different nature. It was prejudicing the case of the sitting Members to have such statements made and printed and circulated amongst the Members who were to form the Election Committee before which the case would ultimately come. At least in decency and propriety, in fairness and candour, the petitioners ought to wait until the election petition had been investigated and disposed of. After that had been done it might be quite right and proper of them to present this petition, and to call upon the House to take further steps. Such was the course that he believed had been followed upon all previous occasions. The election petition was first heard, and after its allegations had been investigated, and it had been disposed of according to its merits, another petition could be entertained, provided a case were made out to call for the interference of the House. He trusted that they would allow hon. Members to go into the Election Committee with their minds unprejudiced on the merits of the case. He would, therefore, suggest to the hon. Member in fairness to withdraw his petition; or if the hon. Gentlemen would not do so, that the House would reject it.

Mr. *Hume* was of opinion that the hon. and learned Gentleman had confounded two cases which were quite distinct. The present petition was nothing more than a mere allegation of facts that formerly occurred, and referred only to elections long passed, while the election petition was confined to a mere statement of what had occurred at the last election, and referred to a particular case and particular facts. The hon. and learned Gentleman must, therefore see, that the chief fact alleged in the petition, namely, of general corruption, could not come judicially before the tribunal before which the election petition should be decided. He contended that the petition did not in any way interfere with the rights of any hon. Gentleman. He, therefore, trusted that his hon. Friend would persist in his motion for having it printed.

Mr. *Ward* had, without hesitation, consented to withdraw the petition which had been signed by the same parties that had signed the election petition. He did not wish to press hard upon any one; but he did not think that the House would act with justice in refusing to receive a petition from a large number of the most respectable Members of a constituency containing general allegations of bribery against the rest of their body. He thought that the House was bound to receive the petition, and allow it to be laid on the table for the information of Members. He should, therefore, move that it do lie on the table as the petition of 150 of the most respectable inhabitants of Bridgewater.

Lord *John Russell* felt bound to say that, generally speaking, it would be very unjust and improper, when there was an election petition before the House, to allow a petition to be printed containing allegations as to the substance matter of the election petition, or to allow any further proceeding to take place until the election petition was disposed of. At the same time he was not prepared to say that the House should go so far as to refuse to receive any petition or any information as to the previous state of the borough of Bridgewater, or any other place. He thought that it was only fair to the persons who signed it to receive it, and let it lie on the table.

Mr. *Courtenay* agreed, that if there were only vague and general complaints in the petition, it would be immaterial whether it was received or not; but instead of that, the petition made specific charges, which went up to the last election. He agreed with the noble Lord that they ought not to refuse a petition from the borough of Bridgewater containing charges of general corruption; but this petition want to the extent of impeaching the last return.

Mr. *Leader* assured the House that he had no intention at present of entering upon any defence of the electors of the borough of Bridgewater. The hon. Members for the borough could do that. The presentation of that petition showed that there was some honesty existing in the borough, and that they did not approve of the mal-practices which it appeared systematically existed in the elections there. He had risen, however, to state that in this respect Bridgewater did not stand alone in its infamy; it was notorious that there were twenty or thirty other boroughs where the same practices were carried ou openly as those complained of in the present petition. If a motion were made for a Committee to inquire into the borough of Bridgewater, he should move that the inquiry be extended to other boroughs. He did not think it fair that Bridgewater should be held up to infamy, when such places as Harwich, St. Alban's, Sudbury, Norwich, Liverpool, and other places were equally bad.

Lord *John Russell* stated, that in consequence of what had fallen from the hon. and learned Gentleman opposite, he had read over the petition, and he felt bound to say that it referred to circumstances that took place at the last election, and therefore, under the opinion of the chair, he thought that it had very much the character of an election petition.

Mr. *Hume* submitted to the chair whether parties making general allegations in petitions, who had not entered into recognizances, could be considered as signing anything in the light of an election petition?

The *Speaker* said, that if the hon. Member asked him whether or not this was an election petition, he should reply, certainly not: it appeared to him to refer to the general practice, and did not confine itself to what occurred at the last election. This was a matter for the House to decide. He would, however, call the attention of the hon. Gentleman who presented the petition to certain indications in it which resembled the allegations in a petition complaining of an undue return.

The *Attorney-General* said, that the House could not be too careful in guarding against the adoption of any course which would excite the slightest suspicion of the tribunal before which election petitions were tried. In his opinion the petition ought not to be received.

Mr. *Wakley* protested against the opinion put forth by the hon. and learned Member. If the course proposed by him were acted upon, it would lead to the greatest corruption. Petitioners might come forward with pretended petitions with a view of stifling inquiry into corrupt practices, and by this collusion the House would be most grossly imposed upon. He repeated, pretended election petitions would be presented for the purpose of concealing the corruption and excluding the proofs of bribery, while those who took no part in the illegal practices would be shut out from the attention of the House, and thus justice would be denied to them. He thought the course which ought to be pursued was obvious. The hon. and learned Member for Bridgewater assured the House that the allegations of the petition, as far as they concerned himself, were altogether false. Why, then, should they not appoint a Select Committee forthwith to inquire into the allegations of the petitioners, and then the hon. Member and his Colleague would have an opportunity of proving that they were innocent as regarded this charge. He trusted that the petition would be received. Looking at what had been done respecting the getting up election petitions against returns from the sister kingdom, he was surprised at the extreme delicacy of hon. Gentlemen opposite on an occasion like the present.

Mr. *Goring* thought, that the delicacy adverted to by the hon. Member for Finsbury was not out of place. He could not help feeling that those Gentlemen who supported the proposition of the hon. Member for Liskeard the other evening were not acting consistently when they pressed upon the House such a petition as this, affecting Gentlemen whose returns were petitioned against at the same time.

Mr. *Ward*, finding the feeling of the House against the reception of these petitions at present, would withdraw them but he begged to add, for the satisfaction of those who had intrusted him with the petition, that he should take another opportunity of presenting the petition from Bridgewater when the election petitions had been disposed of, when the same objection which had that night been urged against it would not apply, and he would then found on it a motion for a Committee of inquiry.

Petitions withdrawn.

THE POST-OFFICE.—EXPLANATION.] Mr. *Wallace* had to mention a matter which appeared to him a question of privilege. He had seen in several of the newspapers that morning an allegation reported respecting him, which appeared to him derogatory to his character as a Gentleman, and as a Member of that House. Through a private friend he had since been given to understand that the observation was not applied to him in a personal way. The case was this:—It had been charged against him that he had made it matter of complaint against the Post-office two years ago tht a letter inclosing a petition had not been duly forwarded to him from the Post-office, although, as it was stated, he at the time had both the one and the other actually in his possession. Now, the facts were, that he had never received the petition at all, and that he did not discover the letter which he considered had accompanied the petition till a long time afterwards, and it was then only by mere accident that he found it among a number of his papers. The moment he discovered the letter he sent and made the Postmaster-General acquainted with the fact; but he would repeat that he had never seen the petition at all. Again, it had been insinuated that he had made his own alleged careless way of sealing his letters a pretext for charging the Post-office with a systematic violation of the seals of the letters intrusted to its agency; but he repelled the insinuation with the disdain it merited. He would take upon himself to assert that in every instance he sealed his letters as carefully as any gentleman who ever sent a letter to the Post-office, and he was well satisfied that the violation of any sealed letter he had ever forwarded through the post was attributable to no carelessness of his. He had never made any imputation against the Post-office which he was not thoroughly prepared to justify at the bar of the House or lsewhere.

The matter dropped.

POOR-LAWS (IRELAND).] Lord *J. Russell:* I rise, Sir, to bring before the House a subject, the great importance of which has been universally admitted. I shall not go into the question in detail, but refer particularly to those parts of the measure which may be better considered in Committee. But as it is a question of vast consequence—as it is a measure which, if carried, must have great influence on the future destinies of Ireland—I think it fitting that I should state the reasons upon which I conceive its propriety and policy are grounded. With respect to the general principle of measures to be adopted in reference to the poor, I think there has prevailed an almost universal and unfortunate confusion of ideas. It has been generally supposed that there is a sort of royal road by which the prosperity of a country can be ensured by means of legislative enactments. The view which I take of a poor-law rests on entirely different principles. I maintain that the general comfort of the poor, their general prosperity, and the maintenance of due wages, by which they are enabled to live, depend, indeed, on general government or general legislative enactments, but not on especial laws framed for that particular purpose only. For instance, the general principles on which the prosperity of a country, and of the classes in question more particularly depends, are, that there shall be security for life and security for property; that there should be full freedom of choice of occupation or profession; that the road to distinction shall be open to all; and, finally, that there shall be no monopoly, either of sect, or class, or race, which shall forbid any person to expect the due reward of meritorious exertions. These, Sir, are the principles on which the main prosperity of a country must depend, but they are not the principles on which a law affecting the relief of the poor ought to be founded. I think it has been but too general an opinion—and I am not now speaking in reference to Ireland—it has been but too general a belief, that by some law especially directed to that end it is possible to make the condition of the labouring classes so secure and so advantageous, that sufficient wages can be given to every man in the community. It is owing to a mistaken policy of this description that nearly all the abuses of the poor-laws have arisen, and this fallacy has induced different nations from time to time to imagine that by the adoption of various schemes, under one name or another, they could provide by means of the State, or by legislation for the due support of every member of the community as an independent member of the community. I wish, therefore, to state at the commencement, that the measure which I shall propose has no such object in view; and when I state that I have no such object in view, I m well aware that I am disappointing the views of many who, considering the condition of Ireland—who, considering the numerous classes there are, the hundreds of thousands of persons who are insufficiently maintained in that country—have supposed that by some law, in the nature of a poor-law, these evils can be remedied, and the unhappy persons now so distressed be placed in a prosperous social condition. If I refer to the example of England, while insisting, as I certainly should, on the benefits which this country has derived from her poor-laws, yet I should by no means maintain that it is to that poor-law, however well-contrived and properly directed, that the prosperity of the country is owing. It is to the general protection of the Government, to that security of life and property which its Government affords, to that freedom which enables every one to look for the due reward of his meritorious exertions, to that absence of political and religious monopoly which enables men to exert themselves with a prospect that they may eventually raise themselves to the highest condition, not only of wealth, but of rank and station—it is in causes such as these that we must seek for the main sources of the prosperity of this country. But admitting all this, and stating all this, as I am disposed to do, there remains another question—a question affecting, no doubt, very deeply the tranquillity of the country and the condition of the labouring classes, but affecting them in a different degree from these main questions of Government and Constitution. In every country which is recovering from a state of comparative social want to one of increased prosperity there must always be a vast number of persons in a state of utter destitution. The question arises, what provision can be made for this class? If you make no provision at all—if the State says, "We hold it to be entirely irreconcilable with principle to make any provision for such persons," I think you cannot with justice say, as I observed on a former occasion, that such persons have not the right, which seems to belong to them by nature, of receiving from their more charitable neighbours the food and raiment which is necessary to their existence; but if you do not deny them this right—if you say on the one hand that you will make no provision for them in a State measure, and on the other hand that you will take no steps to prevent mendicancy—you thereby leave in the State a vast number of persons, some of whom exercise fairly, and from their utmost need, the right of asking for alms, but many of whom are impostors and voluntary beggars, who, under the pretext of asking for alms, prey on the rest of the community. But beyond this, it leaves one department of police entirely neglected, and gives to those persons who are at one time beggars, a pretext at another to become plunderers and pilferers; it leaves, in short, a vast shoal of persons without the means of regular occupation or ordinary subsistence, and who do not come under the social laws which regulate either the order or the subsistence of the community. Having made these preliminary observations respecting the general principles by which a law of this kind should, in my opinion, be administered, I come now to the statement of what I conceive should be its application in reference to Ireland. I do not wish, as far as I can avoid it, to enter into any disputed or controverted points; but still it cannot be denied that till a very late period, indeed till towards the latter end of the last century at least, there did not prevail in Ireland that general communication to all its inhabitants of the benefits of a free constitution, that general participation in the rights and liberties which we in England have enjoyed. It is stated, that the consequence of this has been, that for centuries past Ireland has been always misgoverned. I do not wish to enter into that question one way or another, except to state what has been, according to the best evidence we can procure, the condition of the poorer classes in that country, and how it has happened, as far as we can trace it, that the condition of these classes has not improved as the condition of the people of England has improved from the time of Queen Elizabeth to the present day, but that, on the contrary, there are now existing in Ireland great masses of people in respect to whom we have to consider, not their rights and liberties, but actually as to their physical condition, and how it may be improved. The first authority I shall quote is Sir William Petty, who gives the first authentic account of the population of Ireland at the time of the Protectorate. Sir William states in 1672:—

> "The number of people now in Ireland is about 1,100,000, namely, 300,000 English, Scotch, and Welch Protestants, and 800,000 Papists, of whom one-fourth are children unfit for labour: and 75,000 of the remainder are, by reason of their quality and estates, above the necessity of labour, so there remain 750,000 labouring men and women, of whom 500,000 do perform the present work of the nation. The said 1,100,000 do live in about 200,000 families or houses, whereof about 16,000 have more than one chimney, and about 24,000 have but one. All the rest, being 160,000, are wretched nasty cabins, without chimney, window, or door, even worse than those of the savage Americans, and wholly unfit for making merchantable butter, cheese, or the manufacture of woollen, linen, or leather."

Such is the appalling description given us by Sir William Petty of a population of upwards of one million persons. We have no very accurate accounts of the increase of population for a long time after that. In 1695, Captain South estimated the population at 1,034,102, but this is of doubtful authority. In 1731, Mr. Dabbs published an account of the number of houses in Ireland in the years 1712, 1718, 1725, 1726; for which an estimate of the population has been inferred (allowing six to each house) to have been in 1712, 2,099,094; and in 1726, 2,309,106. An inquiry instituted by the Lords in 1731 made the population of Ireland only 2,010,221; but this is considered entitled to little credit. Ireland, however, was then essentially a grazing country; and to such an extent was this carried, that in 1727, under Primate Boulter, a law was made to compel every occupier of 100 acres, to cultivate five acres at the least. No very great increase seems to have been made in the population of Ireland in the reign of the first princes of the House of Hanover. The following estimates have been formed from the returns of the hearth-money collectors, allowing six inhabitants to a house, viz.:—

	Population.
In 1754..........	2,372,634
1767..........	2,544,276
1777..........	2,690,556
1785..........	2,845,932

If we could conceive that sufficient laws had been introduced, and that the people had been well united as one community—if the causes of dissension, which have since unhappily, though perhaps necessarily, prevailed, could have been avoided, there is no reason why the increase of population should not have been accompanied by an increase in the comforts of the people, and the general improvement in their social condition—that population and improvement should not have gone on hand in hand. But there were several causes, of which I shall only enumerate a few, which seem at that time to have produced very considerable and rapid increase in the population, without leading to a similar increase in the comforts of the people or the nature of their condition. One of these causes was the particular encouragement given by the Parliament of Ireland to the cultivation of arable land. An export duty of 3*s.* 4*d.* per parcel on the exportation of wheat and other grain was enacted in 1784 by the Irish Parliament. Another cause, as it appears to me, was the practice, which grew up immediately after the conversion of pasture into arable land, of very much dividing properties, and of both landowners and farmers sub-letting small parts of their property, and thus, by giving to every small proprietor the means of having a cabin and a small piece of land, increasing greatly the population, without, at the same time, increasing the comfort of the people, or improvement in their habits and condition. Another cause, which is a political cause, may be found in the law of the Irish Parliament in 1793 respecting the right of voting for Members of Parliament. I think, that if any one could dispose of the history of the country according to his own wishes—if any one had considered the state of Ireland under the Government of this country in the last century, and wished that state could have been changed to one of equal laws, such as that established by the law of 1829—I say, that I believe such a person, looking calmly and impartially at that state or condition of things, would say, that the best way of proceeding would have been, that the higher classes of Roman Catholics should have been first admitted to the privileges granted by the British constitution to their Protestant neighbours, and that these privileges should afterwards have descended until they embraced the whole community. The course, however, which the Irish Legislature followed, was one of a precisely different description. The first privilege granted to the Roman Catholics was that of voting for Members of Parliament. It enabled the Roman Catholics to vote, but it did not change the general state of legislation in the country as respected the relationship between the Roman Catholic and Protestant population. The consequences were, as has been stated to the Committee of this House in 1825, that nothing was more usual than for the great proprietors to manage to have a vast number of small freeholders on their estates, whose votes they considered themselves altogether masters of, and whom they brought up to the poll and used as mere instruments for their political purposes, rather than as conducing to the welfare of their estates, or, still less, to the welfare of the community itself. These are the causes which have tended to produce a great increase in the population of Ireland, without any commensurate increase in the capital of the country, or in the improved social condition of its community. Since 1785, the population has increased with wonderful rapidity. In 1805, Mr. Newenham estimated the population at 5,395,456. In 1821, the first complete census was taken, by which it appeared the population then amounted to 6,801,827; in 1831, 7,767,401. The population at the present time has been fairly calculated at upwards of 8,000,000. Thus we have, in the short comparative space of fifty-two years, a population increasing from 2,800,000 to upwards of 8,000,000, without its being possible to say that all the sources of industry have been at the same time opened, or that there has been, as in England, a general corresponding increase in either mercantile, commercial, or agricultural occupations, and in the general well-being of the community. This, Sir, is, as I conceive, the present state of Ireland, without going into the details of the report of the Irish Poor-law Commissioners. These Commissioners went with very great labour, and at the expense of a considerable portion of time, into the consideration of the subject of a Poor-law for Ireland. But I certainly do think, that in the result of their labours, on the report which they have presented to Parliament, they have confounded two subjects which ought to be kept quite separate. It appears to me, that they have bestowed too great a degree of consideration on the question—by what means, by what state measures, you can improve the general welfare of the country, and have not confined themselves entirely to the question as to the destitute classes, which was more particularly put into their hands. With respect to the improvement of the general condition of the community, I certainly still think, that that must come in the main from the general government and legislation of the country. I conceive, that you cannot expect, by any special laws, declaring that the state shall set up public works in one place, or drain a bog in another, or start a company in a third—I do not think that by any means or contrivances of this sort you can interfere with the general progress of the community with any great and decided benefit, though you may remove obstacles and give facilities. An hon. and learned Friend behind me has introduced bills into this House on this subject, and proposes to remove obstacles and take away some of those obstructions which have prevented the application of capital in Ireland; and so far I think I shall be doing good service if I aid my hon. and learned Friend in his endeavours, but I think it would be a perilous task for us as a Government to hold forth any hopes that by any immediate and direct measure of ours we could improve the state of the Irish population. I am convinced for my part, knowing the industry of the Irish people, knowing their many high qualities, I am convinced, I say, that if we can give them a full participation in the enjoyment of freedom, and the security of property, the Irish people will make prosperity for themselves. But when I speak thus of the report of the Commissioners, I must beg also to call the attention of the House to some particulars in which I think these Commissioners are mistaken, and which must induce us to pause before we act on their recommendations. I will mention now only one sample of what they have thought proper to advise. They deem it expedient with respect to mortgages to advise us to tax mortgages, although it is evident that the mortgagees have lent their property on the security that, having nothing to do with the privileges, or the dignity, or the enjoyment of land, they will receive their due from it free of taxation. The Commissioners, however, contrary, as I think, to all just principles, deem it advisable that mortgages shall be taxed. Sir, with respect to other parts of their recommendations, and which belong more immediately to the subject, there is, I think, insuperable difficulty in adopting their recommendations. They have stated that great evils would flow from the adoption of the workhouse system. They have stated that vast numbers in Ireland (the numbers I will afterwards revert to) are in a state of great distress; that the workhouses would overflow with the numbers; that restraint would be impossible; and they propose, therefore, that only the sick and the blind, and persons totally unable to work, should be received into the workhouses. With respect to this division of the subject, had Ireland been in the condition of Scotland I think we might have said, as was said by those who framed the Scotch law, that the able-bodied should not receive relief in the workhouses; because the population of Scotland falling rather short of what was needed, there was security in the disposition of the able-bodied that they would not become a burden upon the community. But when such a claim is likely to be made, when we have a superfluity of labour, I do not see how, having a workhouse you can shut the door of the workhouse, to the able-bodied. One comes and says, "I am old and a cripple, and unable longer to work; I have nothing to sustain me; admit me to this house, where I understand you give raiment, and food, and shelter; and let me pass the rest of my days protected against entire destitution." That person is admitted. Well; another comes and says, "It is impossible for me to obtain work; I have looked everywhere to find employment; I cannot obtain land—there is not any one who will let it to me; I cannot obtain hire for my labour; I am therefore in a state of complete destitution, and I ask you to receive me into the workhouse." Now, is it an answer to that man to say, "It is very true that you must starve if you are not received into the workhouse, but you have strength of limb, you are able-bodied, and we cannot receive you." Is not the one man who is able to work, but who cannot obtain labour—who cannot obtain a single twopence for his labour—is he not in a state of as great distress as the man who is prevented from obtaining work by infirmities and age? I say, that in a state of society such as that of Ireland, in making that distinction you make a distinction which is untenable. But there is another proposition in the Report of the Irish Poor-law Commissioners which requires consideration. I allude to their recommendation to establish a system of emigration, and have dépôts where certain persons are to be received, whether able-bodied or not, for the purpose of emigrating. Now, I must say generally, with regard to emigration, that though it is a wholesome resource in some respects, those who propose it ought not to look only to the wants and convenience of this country; they ought not altogether to overlook the wants and convenience of the place the emigrants are to be sent to. If you say "these men are not needed in this country, and, therefore, are to go abroad," you must at the same time, admit that those persons who are resident in your colonies have a right to say "We are very much in want of persons who shall occupy themselves either as labourers or as artisans in this colony, but if you tell us that you will send none but persons of bad moral character—persons who are physically unable to work—persons who are unfit to be members of your community, we say, on the other hand, do not let them be members of ours." I think that this claim on the part of the colony is a fair claim, and that in considering the advantage to the mother country you must at the same time consider the disposition and wants of the colony. But what would have been the effect, such a view being taken by the colonies, of amassing in these dépôts, in these workhouses, without regulation (for such in fact they would have been), a number of persons with no other title to admission than that they were candidates for emigration. They would not have been subject to regular rules—none could be laid down to them; and when the ship for which they had been waiting was ready to take them, a number of them might say that they were not willing to embark, and the agents for emigration might protest against receiving the scum of our population for their colonies. So that, while the Poor-law Commissioners have put a negative on workhouses, in proposing these dépôts they propose a worse kind of the same establishment, and one which I think would lead to great evil. Such were the reasons which induced us to think that a further inquiry must be made; that further deliberation must take place before any scheme or plan of poor-laws could be introduced under the authority of Government. I must now advert to the calculations which have been made by the Poor-law Commissioners, in so far as they will assist the scheme which I had the honour to propose to the last Parliament, and which I am about to propose to-night. I do think, certainly, that the Commissioners have overlooked many circumstances in the calculation they have made. I have already stated, that I think it is the business of the Government, with respect to a poor-law, thus to frame a provision for the destitute; and in framing a provision for the destitute, let it not be thought that we accomplish a trifling or unimportant advantage. In furnishing relief for the destitute, we do, in the first place, afford to all coming under that denomination, the security of food, raiment, and shelter, which, considering the misery which must exist in any country deprived of poor-laws, must, by every humane person, be deemed a very high advantage. In the second place, we thereby obtain the power of preventing and punishing mendicancy. We are enabled to provide a better police, you have the means of establishing a greater security for property, we can establish better order in society, and we thus promote civilisation and a general improvement throughout the country. In the third place, we connect the interest of the landed proprietors with the state of the labouring classes. The effect of there being, at any moment, a great number of persons out of employment, leads to the consideration on the part of the landowners as to whether it is better for them to have those persons employed at wages, and doing some profitable work, or is it more advantageous to have them in workhouses where their labour is of no avail? With respect to the number for whom the Poor-law Commissioners think that provision ought to be made, I find they say in their Report, " We cannot estimate the number of persons out of work and in distress, during thirty weeks of the year, at less than 585,000, nor the number of persons dependent upon them, at less than 1,800,000, making in the whole, 2,385,000." That is the general estimate of the Commissioners; but, if it be analysed with care, it seems not to rest on any sufficient data. With respect to the particular towns or villages to which they refer, their estimate does not seem to be borne out. I will not, however, go into the details, but endeavour to show, generally, that their estimate cannot be maintained. They do not state that those persons are in a state of destitution for thirty weeks in the year. In a pamphlet written in opposition to the Report of Mr. George Nicholls, and the plan proposed by the Government, it is stated, that the meaning of these persons being in distress, was, that during the thirty weeks in the year, they had not more than one meal in the day. I ask, could that fact be known to any individual, even by the most careful investigation? There may be individuals in Ireland, who, for a certain time, have only one meal in the day, but without the most accurate and searching of investigations from day to day, from hour to hour, and even from person to person, I don't think it could be said that there is any precise number of individuals in that particular state. I imagine, what was meant was, that this number of persons, though not in a state of destitution, are in a state of comparative distress, and have insufficient means of subsistence. I have no doubt but there are a great number of persons with insufficient means of subsistence. I think, however, that there are several deductions of great importance to be made from the estimate of the Commissioners. A gentleman of Dublin, Mr. Stanley, has taken great pains to analyse the population returns, and other statistical documents respecting the condition of Ireland, and from him, and on his authority, I will state one or two very important deductions which must be made from the Commissioners' estimate. One is as to the number of persons who are employed partly in manufactures. There are statements made in the population returns with respect to the landowners, which would appear to show, that there are very few persons employed in trade, and that great numbers are employed in agriculture. Now, this refers to the calculations that have been made with respect to the number of persons dependent on agricultural employment. In the census returns for Ulster, it appears that the number employed in the linen trade, was only 8,859; but when the British Linen Company made their return respecting the value of the unbleached linen sold in 1824, they stated it to be 2,109,309*l.* In the county of Armagh, 1,683 adult males appear to have been employed in every branch of manufacture, but the return states the quantity of linen sold to have been 568,799*l.* In 1831, there were in Ulster, 189,087 landholders, not employing labourers, and only 29,301 employers of labourers. Now, I think it is obvious, that there is a considerable number employed in manufacture in Ulster, besides those employed in the cultivation of the land, and that the population derives profit partly from the one and partly from the other. This, I say, forms a considerable deduction from the general estimate by the Poor-law Commissioners. There is another point which appears to me to have been overlooked, and it is one of no little importance, as it affects the income enjoyed by the labourers of Ireland, as the produce of their labour. Many of the labourers come over here every year in great numbers, and are engaged in gathering in the harvest. It is stated, that from Dublin alone, 20,000 come over to this country annually, and carry back with them from 5*l.* to 15*l.* each. The amount of the earnings of the Irish labourers in Great Britain was inferred from the fact, that a bank in Lincolnshire (that of Messrs. Handley and Sleaford), pays about 8,000*l.* annually for the labourers employed in that district. When we take into our calculation the whole of the produce of the labourers of Ireland and the whole of their income, we ought not to forget the sum obtained by their labours in England, because, whether engaged in any preliminary occupation, or whether in assisting at our harvest, their occupation equally tends to the increase of their income; and whether the money be earned in Ireland or from English employment, it is clear their carrying over this 10*l*. or 15*l*. each, is an income for the benefit of themselves, and for the general advantage of the labourers of Ireland. I think it cannot be calculated that less than 500,000*l*. is earned by the Irish labourers in this country every year. And let me observe with respect to the habits of the Irish people, that I do think it speaks very much for their industry, for their foresight, and for their prudence, that they make this long journey every year, and carry back the money they have earned in order to pay their landlords their rent. I know that in instances in which Englishmen are engaged in the army, the navy, and as casual labourers, or as manufacturers, it often happens that if they receive 5*l*. or 10*l*. at once, they spend it in three or four days, and instead of laying it out profitably, waste it in dissipation. Whereas these men from Ireland, coming over in great numbers every year, carrying back with them what they have received through the banks of England, and placing it in the banks of Ireland, is great proof that they are not that improvident, or careless, or indolent people that some persons suppose. I say, then, that if many omissions have been made by the Poor-law Commissioners, it is necessary that we should endeavour to come to some more correct conclusions, though we cannot come to any that are perfectly free from doubt with respect to the number of the destitute poor in Ireland. It has been calculated by Mr. Stanley, upon various data, with respect to Dublin, on information supplied to him from every accessible source, that the total number of destitute poor in Dublin, throughout the year, is precisely two per cent. on the population, or 5,646. Taking one per cent. for the rest of Ireland, we should have 82,806; or, were we to take one and a half per cent. for the rest of the population, we should have 121,386. Without placing faith in this calculation as entirely correct, I think we may safely consider that it is founded on better data than those given by the Poor-law Commissioners. It should be remembered, with regard to the number of persons to be provided for by a Poor-law of this kind, that though there are a great many in a very bad condition in life—though their cabins are very miserable, and their food is of a very mean kind, yet there are persons who would rather remain in that condition than receive alms or go into a workhouse. There is certainly a remarkable difference with regard to the statistics of Great Britain and Ireland with respect to this subject. It is stated by the Poor-law Commissioners that in Ireland there are 884,000 families (in round numbers) for 15,000,000 of acres, while in Great Britain there were 901,000 families for 34,000,000 of acres. The difference is to be found chiefly among the landowners not employing labourers, the employers of labourers in Ireland being as 95,000 to 187,000, or nearly as one to two—a proportion not differing very greatly from the proportion of fifteen to thirty-four: but the landholders not employing labourers are as 564,000 to 168,000, or more than three to one. In like manner the families wholly dependent on hire are in Ireland 224,000, and in Great Britain 605,000—not more than one to upwards of two and a half. The landholders not employing labourers may, I think, be reckoned as persons in a low condition of life, but still not among the destitute persons for whom the Poor-law ought to be provided. I said at the commencement, that I did not intend to moot the various points which may be matter of discussion in the progress of the Bill which I have the honour to propose. In the first place, I wish to state the general principles on which the Bill is framed, and then the general nature of the evils against which it is intended to provide. The Bill is founded, as I stated last year, on what in England is called the workhouse principle; it does not propose to provide out-door relief. I think I should not be justified in proposing out-door relief. With respect to the workhouse system, there is the testimony of various persons—of the governor and deputy governor of St. Peter's Hospital Bristol; of Mr. Weale, the assistant Poor-law Commissioner; of the vestry clerk of Birmingham; of the clerk of the Liverpool workhouse; of the governors of the Birmingham workhouse; and of others employed in districts to which the Irish resort; and these persons declare that the repugnance of the Irish to enter into a workhouse is as great, if not greater than that of the English. This, then, will form an answer to the opinion that there will be shoals of those persons, who could obtain labour if they pleased, ready to enter into the workhouses in Ireland. But while we prove the existence of the repugnance on the one hand, on the other we establish the fact that greater means will be at our disposal for the relief of the needy, and when we afford wholesome and good food and raiment and shelter to the necessitous—when it cannot be said that the means of existence are denied, no man will have a right to become a common beggar, or to prey on the property of the community. I am well aware, that with respect to a part of this evil, the relief of the destitute, there are other resources that must be looked to; but as I said before, I should not think it expedient to place on them any great reliance. As regards certain parts of the country, no doubt there exist evils which cannot be cured unless the means of emigration are provided. Taking that view, we have thought it proper to introduce into this Bill a clause nearly the same as that in the English Poor-law Bill, which allows means to be taken, with the consent of the Commissioners, to provide for emigration. Though, however, this power is given, I do not hesitate to say, that it must be exercised with caution — it must be used with great care; those to whom it is confided must never think of exporting to the colonies the dregs of the population, or persons who are unfit to remain in this kingdom; it must be considered rather as a drain by which a certain portion of the population may be taken off. We are in justice bound not to excite the jealousy of the colonies by giving them reason to suppose that we are about to export to them those whom we think unfit to live among ourselves. With respect to public works, no doubt they may be useful, but it is not in instances where the work begins and ends in the work itself: it is only where it leads to increased means of communication; it is only by opening fresh channels for the profitable employment of capital that public works can be rendered permanently useful. I will not now enter into the various disputed questions, and that most justly disputed of all, the question of settlement, which must be raised in the course of the further discussion on this Bill; my object is to state the general principle, viz., that the Act is intended to provide relief by means of the workhouse, and, further, to provide for the relief of the destitute only. Sir, I would not lend myself to the belief, I would not encourage the persuasion that by means of this we are about to raise half a nation from a state of distress to a state of affluence and prosperity; but I think it one of many improvements, by which the security of property may be increased — by which order may be maintained—by which poverty may be relieved—and by which the various classes in Ireland may be better united—the landlord with the peasant, the man of capital with the man who depends wholly on his labour. Sir, it is for this Parliament to endeavour to devise means by which the condition of Ireland may be improved. It would be absurd to think that evils which are of long continuance—some of which may be said to be centuries old, others being of a more recent date—it would be ridiculous to suppose that such evils will be cured in three, four, or ten years by means of legislation: but this I do believe, that Ireland being now in possession of nearly all those political and civil rights which she ought to have—I say, in possession of nearly all those political and civil rights which she ought to have; because I think that those which still remain will—nay, must soon be granted—Ireland being in that condition, it appears to me she has a career before her in which the genius, the talent, and the industry of her native population will raise her to that degree of prosperity for which her soil and her country are fitting. Let us endeavour that all our measures shall aid and promote this tendency. Let us endeavour to act in a fair, impartial, and benevolent spirit towards that part of the people whom we represent as fully as we represent any other portion, thus aiding by our measures the promotion of that prosperity which from themselves must have its chief source. I maintain that if we act thus we shall perform our duty to that country, and we may look forward, not in a short time, but as the ultimate result of our labours, to the period when we shall have no reason to be ashamed of the condition of Ireland. I beg to move for leave to bring in a Bill to provide relief for the destitute poor of Ireland.

Mr. *Shaw* said, that as that was only a motion for the introduction of the Bill proposed by the noble Lord (Lord J. Russell) he (Mr. Shaw) would not trouble the House at any length. He was not disposed to discuss the various generalities, upon which the noble Lord had dwelt with reference to the former state and former Government of Ireland—though he could not avoid expressing his acquiescence in one sentiment of the noble Lord on that subject, and it was that, if Parliament and the executive Government ensured to the people of that country the enjoyment of rational freedom, and security for their properties and persons—they would soon work out their own prosperity. He would confine the few observations he had to make to the consideration of the present as a practical measure for the relief of that mass of destitution amongst the people of Ireland, which both sides of the House admitted and deplored, and for which it must be the desire, as it was both the duty and the interest of all parties to provide to the utmost extent that it was possible a legislative remedy—and he rejoiced that they could approach that one Irish subject free from political animosity, party bias, or personal bickering. A great part of the speech of the noble Lord had been in the nature of an attack upon the report of the Poor-law Commissioners, and inasmuch as they had been appointed by the Government with which the noble Lord was connected, it was rather unreasonable that the noble Lord should throw their defence upon him—at the same time, he must say, that he agreed with them on some points on which the noble Lord had dissented. He certainly thought that the Commissioners had formed rather too high an estimate of the amount of destitution, while on the other hand, he was persuaded that Mr. Nicholls had fallen into the opposite extreme. He felt, however, that the country was greatly indebted to both for the ability and labour they had applied to the subject, and he wished to treat the opinions as well of the Commissioners as of Mr. Nicholls, whether he agreed or differed with them, with every deference and respect. He entirely concurred with the noble Lord that "out-door relief" should be excluded from the present plan. In a country circumstanced as Ireland then was, he could apprehend nothing but the most ruinous consequences from a system of out-door relief. It must absorb all independent labour. The whole Irish population, as was observed in Mr. Nicholls's second report, would become a mass of paupers. Relief beyond the limits of the workhouse would soon degenerate into the allowance system, which had produced such evils in England; and in a country where population so abounded, and the wages of labour were so low as in Ireland, would speedily work a virtual confiscation of the whole landed property. He was apprehensive of the effect of holding out too large an expectation of relief, and approved of the Commissioners recommendation that it should be limited to the aged, the infirm, and the impotent—and that they alone should be received into the workhouse or asylum. He was aware that there were difficulties on this point in preventing abuse and nicely defining the age or infirmity which should entitle the party applying to relief—but still where there was no right to relief given and an ample discretion vested in the Commissioners he thought those difficulties were to be overcome; and that on the other hand they should ever bear in mind that they were not, as in England, dealing with an old existing system, but introducing an entirely new one in Ireland; they could not therefore proceed with too much caution. Let them not encourage expectations which they could not realise. It was easy to advance in concession, but impossible to draw back, and in answer to an objection of the noble Lord's, as to refusing the able-bodied relief, recollecting that all you were giving was a boon, it was to be considered, that in providing for the sick, the aged, and the infirm, you were removing, *pro tanto*, a pressure from the able-bodied poor who now had to support them. In his view of the case, it was very important, too, that ancillary measures should be taken to assist the able-bodied labourer, and he was glad to hear from the noble Lord that some provision for emigration was to be made in the present Bill; he knew emigration was a question of difficulty, but still he did not think the particular difficulty suggested by the noble Lord on the part of the colonies was likely to arise; for surely where we had a surplus, and they an inadequate population, the benefit would be reciprocal, and he must own that he would greatly prefer that a considerable emigration of the able-bodied destitute poor of Ireland should be substituted for the spontaneous emigration of those who are now, as it were, pushed out from that country for want of room, but who are too frequently the most enterprising, intelligent, and well conducted of our own population. He also felt that useful public works would be an auxiliary, and fully acquiesced in the general principle of public works stated by the noble Lord, that they should not be such as merely to afford temporary employment and then throw back the labourer on the labour market, but such as, by facilitating communication and opening the internal resources of the country, would conduce to the general and permanent advantage of the community. The noble Lord had not stated whether the new Bill was to contain a provision for the general establishment of the measure, in the first instance by the simultaneous opening of the workhouses or not. The simultaneous introduction of the system, so far as it was practicable, he thought very desirable, and that it would greatly tend to its ultimate success. It would also have the advantage of obviating what he had been pressed by last year as the strongest argument in favour of a law of settlement, for clearly the most difficult period to dispense with such a law would be during the partial and experimental introduction of the measure and he still held the opinion he had expressed in the discussion of the Bill of last year; that it would be simpler, and, in all respects, better, that there should be neither a law of settlement, or a right to relief; the terms were not quite convertible—but still he thought it easy to show, that the law of settlement, and the right to relief, were so inseparably connected, that the adoption of the one must inevitably lead to the establishment of the other. He felt some difficulty on the subject of the immediate suppression of mendicancy by positive enactment. The questions of rating assessment, and, above all,tha oft he local administration of the system, would open a wide field for future discussion; but he would not detain the House by entering upon them then — or further, than to express his anxious expectation that every Irish Member, of every shade of politics, would unite with the Government and those who take an interest in the subject, to surmount its intrinsic difficulties which undoubtedly were considerable—and, in obedience to her Majesty's gracious injunction, which had that night been read at the table, consult together upon the establishment by law of some well-regulated means of relief for the destitute poor in Ireland—But one word more, and he had done. The same speech from which he had just quoted asserted the prevalence of domestic tranquillity throughout her Majesty's dominions. He trusted that as regarded that less favoured portion of them for which they were then legislating, the present measure might be accessory to an end so devoutly to be desired; but he was sorry to be obliged, and this was the first opportunity he had, to enter his sincere and solemn protest against the statement — that domestic tranquillity at present prevailed in Ireland.

Sir *Charles Styles* was favourable to the establishment of a Poor-law in Ireland. He considered that workhouses would afford a sufficient test that none but those who were really destitute should receive relief. Looking, he said, to the expenses of the Poor-law in this country, where the number of poor was comparatively low, he calculated that when a Poor-law was brought into operation in Ireland, the expenditure certainly would not be less than 2,000,000*l.* a-year. In order to limit the expense a discretion ought, he thought, to be given to the Poor-law guardians. It was his opinion, that if it were only intended to give relief to the aged and the sick, the machinery proposed must be more expensive than the necessity of the case could require; but if, on the other hand, it was intended to relieve the whole mass of destitution now in existence in Ireland, then the landed proprietors should be prepared to raise 2,000,000*l.* a-year; but which ever was intended, it was absolutely necessary that relief should be insured.

Mr. *French* should not trespass on the House for any time. Indeed as far as the Bill about to be introduced was concerned, he had been anticipated in all he was anxious to say, by his right hon. Friend, the Recorder of Dublin; he perfectly agreed with him, that if they were to have a Poor-law in Ireland, the safest test of destitution that could be applied was the workhouse system, and his views of the necessity of placing some limit to the power proposed to be vested in the Commissioners, whether that limit was to be as to the amount to be levied under their authority, or as to the description of persons to whom relief was to be afforded, remained unchanged since last Session. He was in accordance with what seemed to be the wish of the House, content to postpone discussing the several provisions of this measure until the Bill went into Committee. But he could not refrain from alluding to two parts of the speech of the noble Lord, which had not been touched on by his right hon. Friend. He begged the House to remember it was of the utmost importance, as far as the interests of Ireland were concerned, to know whether the estimate of the Poor-law Commissioner or that of Mr. Nicholls, a to the amount of destitution, was the correct one; it was indeed a vital question to them, whether the number of persons likely to require relief were two millions three hundred and odd thousand, or but 80,000, for such was the extraordinary difference between the two statements. The noble Lord concurred in Mr. Nicholls's view, but gave no data beyond stating his opinion that the Commissioners had confounded poverty with destitution, that would lead others to do so. In support of his view he read some extracts from tables prepared by Mr. Stanley, the accuracy of which he had no reason to doubt, as he was aware he was a gentleman of considerable talent, who had devoted much time to the subject; but it must not be forgotten that on the other side there were high authorities. Dr. Whately, the Archbishop of Dublin; Mr. Blake, and others, who were, notwithstanding Mr. Nicholls's report, not yet convinced of their statements being incorrect. For his own part, he could not believe, he could not bring himself to imagine, that 80 or 100,000 persons could be a correct estimate of the number that would probably seek for relief under this Bill. He assured the noble Lord that one item in his calculation of the resources of Ireland was perfetly erroneous—that of 500,000*l.* being the annual amount brought to Ireland from England by the harvest labourers; in place of the average amount as calculated on by the noble Lord brought back by each individual, being from ten to fifteen pounds, he confidently asserted, from his own knowledge, having for years been in the habit of making inquiries on this subject, that in a favourable season the average did not exceed three pounds, and that if the weather was broken, or that the harvest did not come in together, it seldom varied from one to two pounds, and that for this sum, independent of the labour performed, upwards of six hundred miles was walked. He had in some instances been aware of the unfortunate creatures having performed a journey of this length, and their expenses having exceeded their earnings. The noble Lord had stated there was a clause in this Bill relating to emigration, and alluded to it as a new matter. This he could not admit, as although there was not an emigrative clause in the last Bill, it was distinctly stated that a separate Bill for the encouragement of emigration, should be introduced as a concurrent measure. Nothing had been said by the noble Lord about the two remaining measures, which had been promised at the same time, and both of which had been actually introduced in Parliament last year—the Medical Charities' Bill, and that for the promotion of public works; the first of these he would not say anything about, as it was the intention of his noble Friend, the Secretary for Ireland, to again bring it forward, but the second he could not lightly pass over, and begged to call the attention of the noble Lord, the Secretary for the Home Department, to the statement he was about to make—it involved a serious principle—whether a Treasury order was to supersede an Act of Parliament or not. Last Session a Bill was carried through both Houses for the encouragement and promotion of public works in Ireland, and declared by the noble Lord who introduced it into the other House, to be a measure in connexion with the Poor-law; what statement had been made in that House he could not say, as he was in Ireland when it was brought in; this Act placed at the disposal of the Board of Works in Ireland the sum of 50,000*l.*, and enabled them to grant half the estimated cost of important public works, on an application being made to them by the magistrates and cess-payers at special Sessions, to be called for that purpose. Several Sessions were held under this Act; amongst others, in the barony where he resided, certain works were approved of, and a demand for the assistance specified in the Act duly made; an engineer of professional eminence was sent down by the Board of Works, who reported favourably on the utility of the works, and recommended the assistance being afforded. After some delay, a communication was received from the secretary of the board to the effect that the treasury, considering the Act to be intended to give relief to temporary distress, which distress was passed, did not purpose putting the Act in force. He denied there was anything in the Act which entitled them to give it this construction; it did not contain a single word about famine or temporary distress, and was in direct contradiction to the statement of the noble Lord to which he had alluded. He considered the line that had been adopted neither politic nor just, and had moved for a return on the subject, when he should again bring it forward. At present he alluded to it for the purpose of shewing the noble Lord, that last Session it had been deemed advisable to introduce accompanying measures with the Poor-law Bill, and to press on him the necessity of adhering to the same course, as he was convinced without it this Bill would neither prove popular nor efficient.

Mr. *Lucas* had heard with great satisfaction the statement of the noble Lord. He begged, however, to observe to the noble Lord that any statement which could be made as to the linen trade in 1824 was not at all applicable to the same trade in 1837, as the linen trade had greatly diminished since 1824. He hoped that this question would never degenerate into a party one. As to a law of settlement, he begged to say that he would bring forward a motion on that subject similar to that which he had submitted to the House last year. He wished that a point of so much importance should be again considered, in order that it might receive the solemn decision of a new Parliament.

The *Chancellor of the Exchequer*, in reference to what had been said by the hon. Member for Roscommon, (Mr. French) explained that an act had passed last year, to enable the Government to advance, in cases of great emergency, the public money under the superintendence of the board of works. It would, he thought, be a most unfortunate lesson to teach to the people of Ireland, it would be most unfortunate for themselves, if they were to expect that in every case of distress, they were to calculate upon receiving money from the Government. A case of very great and extraordinany emergency could alone justify such an application. The Act of last year was intended to apply to such a case, and for the purpose of doing so, it actually passed over the functions of the grand jury. The application to which the hon. Member for Roscommon had referred was considered by the treasury not to come within the objects of that Bill, and, therefore, it was refused.

Mr. *O'Brien* contended the Act did not bear the meaning given to it by the right hon. Gentleman, and that it never was intended as a temporary measure nor was there anything in it that could justify such a supposition, and trusted the benefit that would derive from its being carried into effect would not longer be withheld from the country.

Mr. *Lynch*, as a lawyer, had no hesitation in asserting the act did not bear the construction put on it by the Chanceller of the Exchequer; he could instance several cases similar to that stated by his hon. Friend the Member for Roscommon, and joined with the hon. Member for Limerick, in hoping a line of conduct which really could not be justified, would not longer be persevered in.

Mr. *John Young* hoped, that when the Bill had been read a second time, as he supposed it would be without opposition, the noble Lord would not pass it through the Committee immediately after the recess. Time should be allowed for receiving and weighing observations and suggestions from Ireland, especially from the grand jurors, who would probably begin to assemble the last week in February. He hoped the Committee would be fixed for after that period; the more information afforded on the subject, the more discussion that took place, the better—they would facilitate the introduction of the measure, and exaggerated anticipations of mischief on the one hand, and of indefinite and impracticable good on the other, would be dispelled. Indeed, Mr. Nicholls's second report presented that morning stated the public mind of Ireland was now much better informed on the subject than formerly. The hon. Member concluded, by saying, he was not sorry to hear that the further consideration and more extended inquiry they had afforded the question, had confirmed Ministers in their adherence to the main features of their former measure — to an absolute rejection of a law of settlement, and an exclusively in-door system of relief.

Lord *Clements* remarked that Mr. Nicholls had, in his last report, referred to the county of Donegal, and had remarked that there were two points necessary to be attended to before it could be expected that a poor law would work well: they were, the facilitating of emigration, and the affording of employment to the people. He agreed with Mr. Nicholls upon both these points. He also thought that a Poor law never could be efficient unless the people had the means of taxing themselves for the purpose of carrying on public works. The rate-payers ought to have a direct control over their own money, and to be afforded the means of opening the resources of their country. There was, he declared, no man more anxious than he was to have a Poor-law, if the Government would only apply to Ireland the same improvements which had benefited England so much, and give to the rate-payers a control over their own expenditure.

Mr. *Slaney* said, that the state of destitution which existed in Ireland was such as ought not to exist in a Christian country. This was not an Irish question only; the people of this country were deeply affected by the state of the people of Ireland. It would be useless to endeavour to raise the condition and tone of feeling of the people of this country, if they did not at the same time elevate the condition and moral tone of their brethren in Ireland. It was a matter of great congratulation to him that on one Irish question there was not any difference of opinion, and he entertained strong hopes that this would greatly contribute to the success of the experiment.

Sir *Edward Sugden* said, he was glad to be able to concur in the proposition of the noble Lord. With respect to the subject of out-door relief, he thought it was utterly impossible to think of extending it to Ireland. He was not in favour of the workhouse system if they could find a better; but in Ireland he thought they must be content with this system, and the only object was to see that it was well applied. He entertained a strong opinion against the law of settlement. He thought that, if possible, it ought to be avoided, and he was not certain that it could not be avoided. There might be times when there would be such a pressure of population in a particular district as really to swamp all the means of supply, if there was not a law of settlement. He thought that it would be found necessary, unless there was a law of settlement, to have a simultaneous provision made for all the unions; because without this was done, and without a law of settlement, every man would go to that union which was nearest to him. He would give his best attention to the details of the measure, and if he could afford any assistance in the further progress of the Bill he would do so with the greatest possible pleasure.

Lord *John Russell* said, he was very glad his proposition had been so fairly received. It was his intention to propose the second reading before the holidays, as he did not anticipate that on the second reading there would be any difference of opinion, and he hoped to be able to go into Committee rather early in February. With respect to what had fallen from the hon. and learned Gentleman (Sir E. Sugden), he would not enter upon the questions referred to; he would merely say that he considered that if there was no law of settlement they must either have unions established simultaneously, or make some provision for the unions first established until the others were established. This was a point well worthy of the consideration of the House, and, he must add, of the Government and the Commissioners.

Mr. *F. Shaw* inquired, whether there had been any provisions made for establishing the unions simultaneously.

Lord *John Russell* said, no provision had been made.

Mr. *D. Roche* said, he hoped that the hon. Member for Monaghan (Mr. Lucas) would persist in the motion of which he had given notice when the Bill came forward, as if there was not a law of settlement the Bill would have an injurious effect on the state of society in Ireland.

Leave given, Bill brought in and read a first time.

Post-Office Returns.] Mr. *Wallace* rose to call the attention of the House to the most extraordinary document that had ever been laid before them. From a return which had been laid before the House, it apeared that in a period of eight years no less a sum than 640,000*l.* had been abstracted from letters in their progress through the Post-office. He saw by the newspapers of that day that it had been stated by the Postmaster-General in the House of Lords, that of this sum 400,000*l.* had been restored to the individuals from whom it was taken. He was very much astonished at the statement that this money had not been abstracted, as he could not comprehend how it could have been restored unless it was first abstracted. He did not know how this money could have been abstracted without a violation of seals. It was a general practice in the country post-offices to break the seals of letters and read their contents; but he believed the practice of opening letters was carried on to a greater extent in Glasgow than anywhere else. The hon. Gentleman referred to two cases in which parties had put money-letters into the Glasgow post-office, which letters had never reached their destination. A good system existed in Ireland in 1831; but it had been put down when the Irish and Scotch offices were united with that of England. They had in Ireland at that time an excellent system of registry, which, while it saved 20,000*l.* a year, cost only 100*l.* He hoped that her Majesty's Government would take up the subject in one way or other. It was not to be endured that the Post-office should have a monopoly of the carriage of the country, that there should be a penalty upon using any other mode of carriage, and yet that they should not be bound to make up losses. The hon. Member complained that whilst Ireland and the north of England had now the benefit of the Irish express by the railroad, Scotland was still deprived of that advantage. There was another matter of which he had to complain. At his instigation the Post-office had consented to send two mails daily to Glasgow and Edinburgh. They had certainly done so, but they had sent a mail-bag by only one of them, not a single letter or paper being taken by the other mail to Scotland. He considered this a complete breach of faith. He moved for leave to bring in a bill for the registration of letters.

The *Chancellor of the Exchequer* was glad the hon. Member, by making a motion, had given him an opportunity of making a brief reply. He was not surprised that the hon. Member had drawn the attention of the House to these returns, seeing the amount of money involved in them. The hon. Member seemed to suppose that this sum, 600,000*l.* represented the amount abstracted from the Post-office. Now he would show that the return bore no such meaning. He would first ask of any mercantile Gentleman present, whether, as a matter of common sense, he believed it possible that 600,000*l.* could have been abstracted from the correspondence of the country without raising such a clamour on the part of the trading interest of the country as to induce them to complain of the grievance, and not leave it entirely in the hands of the hon. Member for Greenock? Would they not have heard of it before through the representatives of Manchester, of Bristol, of Liverpool, and of every other commercial town in the country, which must have felt its interests deeply affected by such proceedings? It was therefore unlikely that the conclusion come to by the hon. Member should be correct. But not only was it not likely, but it was impossible. This 600,000*l.* was not a return of the amount of money lost; it arose in this simple way. Suppose a person expected a letter containing money, and the letter was delayed in consequence of some accident one or two days; under these circumstances he makes an appeal to the Post-office, and the appeal is registered, shewing the amount of money thus detained. But it did not by any means follow that the money should be lost, and the party receiving it did not always inform the Post-office of the fact. There was also another case which was not impossible, namely, parties sending their servants to put money letters in the Post-office, which letters might never have been posted. The House must not therefore, in looking at these returns suppose that the sum of 600,000*l.* in any way represented the amount of money actually lost in the Post-office. He was not prepared to deny that a considerable sum of money was lost in its passage through the Post-office; but that was a circumstance which could never be wholly prevented. With respect to the transmission of money in letters, he believed that in nine cases out of ten, unless an additional envelope were put upon the letter, the money was so carelessly put in that it would fall out. He did not wish to deny that an evil existed in the present system, to which he should be anxious at the first opportunity to apply a practical and efficient remedy. He thought, however, that nothing could be done with any approach to success until a system for the registration of letters had been adopted. By this means the safe delivery of every letter would be ensured, though of course the same responsibility could hardly be attached to any alleged or supposed contents of it. With respect to the proposal for establishing day mails, he had only one word to say. It must be evident that if this proposition were adopted, the mails would arrive in London at different times of the day instead of at one general and fixed hour. Now, it was only within these few days that he had been complained to of the irregularity of the arrival of certain letters from Liverpool and elsewhere, and a desire expressed that the period of the arrival of letters should be well understood and permanent. His own opinion certainly was, that it was far preferable that the letters should arrive at one fixed hour from all parts of the country, as at present, than that there should be one hour for the Liverpool letters, another for those from Glasgow, another for the foreign letters, another for the Edinburgh, and so forth. In conclusion, he had only to say, that he hoped, at novery remoe period, to introduce a measure for the registration of letters at the Post-office upon the principle he had already stated.

Mr. *Hume* thought, that as the right hon. Gentleman threw some doubts upon the accuracy of the supposed losses to the public, as manifested in this return, the Post-office should be at some pains to ascertain whether those returns were correct or not. He thought also that it was high time that the public, having only this one means for the conveyance of their letters at their disposal, should enjoy something like security as respected their letters and the contents of them. There was the case of 7*l.* 10*s.* sealed up in a letter before the Postmaster, and treble postage paid, and yet the letter was lost; and when the Postmaster-general was applied to, he wrote a letter saying that "He was not aware of any law which rendered the Post-office liable for any losses by reason of a letter's not reaching its destination." Now he maintained that the Postmaster-general who could write such a letter as that should not be suffered to remain in his situation, and that the Chancellor of the Exchequer, if he sanctioned such conduct, ought not to remain in his. The public were prevented by penalties from sending letters by any other means of conveyance than that of the General Post-office, and in return for this valuable monopoly the Post-office owed the public something like security in the conveyance of their letters. There ought to be responsibility somewhere. Before he sat down he begged to ask a question of the Chancellor of the Exchequer. Two years ago the Chancellor of the Exchequer pointed out, in a most able manner, the abuses of the p esent system of Post-office management, and said that things ought not to remain as they were. The right hon. Gentleman at the same time brought in a Bill to reform these evils; but when that Bill arrived in the House of Lords, the nobleman who had been Postmaster-general under all these abuses caused the Bill to be turned out, and then laughed at the Government and this House for the trouble they had been at for nothing. Now, he begged to ask the Chancellor of the Exchequer whether it was his intention again to bring in, and to pass into a law, the Bill which he had formerly introduced on this subject?

The *Chancellor of the Exchequer* said, that it was quite true that, in conformity with the recommendations of the Commission of Inquiry into the affairs of the Post-office, he had introduced a Bill for the reform of that department, two Sessions ago. At that time he certainly did state that he could not approve of the present system of Post-office management; but, at the same time, he said so without at all impugning the conduct of the Duke of Richmond, or of his successor, the Earl of Lichfield. On the contrary, he bore testimony to the zealous efforts of those two noblemen to contend against the radical defects of the system under which they had to act; and the conclusion which he then drew was, that, if after all that had been done by them, there were still defects at the Post-office, there was the greater necessity for a complete reform. He had succeeded in carrying that Bill through that House, but he could not be held responsible for its fate in the other House. He had only to add on this subject that nothing but the early termination of the last Session had prevented him from again introducing a Bill on this subject, and that he certainly proposed to do so in the present Session. With respect to the letter which the Postmaster-General had written in reference to a letter containing money which had miscarried, and upon which the hon. Member for Kilkenny had commenced by declaring, that the man who had written such a letter should not remain in his situation, he begged to submit that, however such a circumstance might be received as an additional argument for a reform in the present system, yet as long as the present system remained unaltered by act of Parliament, the Postmaster-general had given a perfectly correct statement of the law of the case, and in his opinion, therefore, it was the only letter which could have been written by the Postmaster-general on the subject.

Sir *G. Strickland* thanked the hon. Gentleman who had brought forward this motion for his exertions in a matter of so much public interest. It was highly necessary that a system of increased security and vigilance should be introduced without delay into the post-office department. He was glad to hear that the Chancellor of the Exchequer intended to take a step towards this by introducing a Bill for the registration of letters.

Mr. *George F. Young* believed, with the Chancellor of the Exchequer, that the merchants and bankers of the metropolis would not be in favour of any alteration in the conveyance of letters which should subject them to deliveries at different periods of the day instead of at one fixed and uniform hour.

Mr. *Labouchere* believed, that most of the charges against the post-office which had been made this evening were extravagant and unfounded. He admitted that the security of letters at present enjoyed was not such as the public had a right to look for from a public department; and he believed that the best remedy which could be applied to this evil was that of a registration of letters as proposed by his right hon. Friend. Such a registration, he thought, could be very easily carried into operation as far as the security of the letter was concerned; but as to the contents of it, that, he thought, could hardly be attempted to be ensured, as it would be impossible to examine every letter in the midst of the hurry of business at a place like the post-office. Registration was already to a certain extent carried on at the twopenny post-office whenever the letter contained money or otherwise, on the demand of those who sent the money, and it had been found so efficient, that in upwards of 100,000 letters which had been registered in this manner, only two losses had occurred. He thought, however, that if the post-office were responsible for small sums, it would be of great convenience to the poorer classes.

Mr. *Wallace* was glad to hear, that the Chancellor of the Exchequer intended to bring in a Bill for the reform of the post-office, and that he should, therefore, withdraw his motion.

HOUSE OF LORDS,

Monday, December 4, 1837.

MINUTES.] The Royal assent was given by Commission to the Commission of the Peace Bill.

Petition presented. By Lord BROUGHAM, from a respectable and numerous meeting assembled at Exeter-hall, for carrying the provision of the Emancipation of Slaves into full effect.

HOUSE OF COMMONS,

Monday, December 4, 1837.

MINUTES.] Bills. Read a first time:—Houses of Parliament Sites; Small Debts (Scotland); Rating of Tenements.

Petitions presented. By Captain PECHELL, from Brighton, and Mr. CHALMERS, from Montrose, for equalising the Rate of Postage.—By Sir WALTER JAMES, from Hull, for compensation for ships seized in Denmark.—By the Sheriffs of London and Middlesex, from the City of London, for a uniform low rate of Postage; against the Duties on Life, Fire, and Marine Insurance Duties; and in favour of the Municipal Officers Declaration Bill.—By Mr. E. L. BULWER, from Lincoln, in favour of the Ballot.—By the ATTORNEY-GENERAL, from Edinburgh, for a uniform low rate of Postage; and for opening to the public, free of charges, all National Property, such as the Regalia of Scotland, and all Works of Art, etc.—By Mr. HUME, from Glasgow, to the same effect.—By Mr. HUME, from the Political Union at Deptford, for Vote by Ballot, Universal Suffrage, and Short Parliaments.

MUNICIPAL OFFICERS' DECLARATIONS.] On the motion of Mr. Baines, that the House resolve itself into a Committee upon the Municipal Officers' Declarations Bill,

Mr. *Grote* said, he believed that the present was the fit time for him to move that the Bill be extended not only to the Quakers and Moravians, but to all classes of her Majesty's subjects. In doing so, he desired to explain that nothing was farther from his intention than to interfere with the wishes of the hon. Member for Leeds, as regarded those two classes of Dissenters which were included in his Bill. He was of opinion that the principle of the Bill did not go far enough. It was impossible to follow this course of legislation without feeling that, from the passing of the Test and Corporation Acts' Repeal Bill, the principle of imposing tests had been abandoned. The imposition of civil disabilities on account of the party's religion he believed was now considered out of the question. The House could not possibly apprehend anything like danger to the Established Church of England from the admission of Quakers and Moravians to the privileges sought for them; and certainly, if it were right that the Roman Catholics, a very powerful body, were admitted to these privileges, it was also proper that Quakers and Moravians should be admitted. He proposed, however, to carry the Bill of the hon. Member for Leeds by the instruction which he should move to the Committee, to the same point as was reached by the Bill which that hon. Member brought into the House in 1836, and which, after passing this House was carried up to the Lords, where he believed it was not rejected, but there not being time enough to allow of a full discussion of the principles it fell through. The objects embraced by that Bill, were precisely the objects he now had in view. His wish was to open the doors of Parliament and of the Corporations to every Dissenter of every denomination who would subscribe to the declaration, that he would not employ the power which he might obtain to the detriment or injury of the Church of England as by-law established. There was a very strong feeling prevalent in the constituency which he had the honour to represent, in favour of the concession of those privileges to the Jews, as had been shown that evening by the petition presented in their favour. There was a very great feeling of the inconsistency involved in the circumstance that the Jews should be disqualified from holding the offices of mayor and aldermen, and yet be eligible for the important office of sheriff. The House might possibly know, that two years ago, the office of sheriff was filled by a gentleman professing the Jewish persuasion. This year, the same office was filled by a gentleman of the same religion. Yet this creed, which did not prevent a Jew from filling the responsible office of sheriff, disqualified him from being either a Member of Parliament, or a member of a common council. Had the learned Recorder, (the Member for the borough of Cambridge) been in his place, he could have appealed to him, if those Gentlemen to whom he had already alluded, had not filled the high office of sheriff of the city of London with credit and advantage; and he certainly expected to have the hon. and learned Member's support of the proposition which he was about to make to the House. He could not understand the principle upon which the hon. Member for Leeds intended to oppose his (Mr. Grote's) amendment. He would not rest his motion on the ground of special favour to the Jews, but on the broad ground that the time had arrived when the last remnant of those acts of intolerance which the repeal of the Test and Corporation Acts was intended to abolish, should be erased from the statute-book. He begged to remind the House that the very principle which he recommended was adopted by Parliament when it passed the Bill introduced by the hon. Member for Leeds in 1836. If the hon. Member for Leeds should resist the present motion, he would doubtless be prepared to state the grounds on which he rested his opposition; but there was no ground he could urge which would not cut from under him the most powerful arguments in favour of his Bill of 1836. The hon. Member concluded by moving that it be an instruction to the Committee to extend the relief afforded by the Bill to persons of all religious denominations.

Mr. *Goring* seconded the motion, and contended that it was unworthy of this enlightened age and country to retain those laws which excluded Jews from civil rights.

Mr. *Langdale* was not prepared to go along with the hon. Member for the city of London in his present amendment, and he would tell the House why. It was on this ground, and on this ground alone, that he conceived that the adoption of the present instruction would endanger the success of the Bill altogether. He was of opinion that this Bill ought to pass, because, if Quakers were permitted to make affirmations, instead of taking oaths, on matters of life and death, surely their declarations on accepting municipal offices ought to be considered sufficient for all practical purposes.

Sir *J. Duke* hoped that, as a new Member, he might be permitted to say a few words on the present occasion. As Sheriff of London, he bore testimony to the merits of both his successor and his predecessor in that office, who, as the House was well aware, were both Jews. His predecessor had retired into private life attended by the respect and approbation of all who witnessed his official exertions; and his successor, who was at present fulfilling the duties of his office, would doubtless, when he retired, carry with him into his retirement the same favourable opinion from his fellow citizens. Both those gentlemen were liberal contributors to all public charities, and never inquired to what creed the directors and objects of those charities belonged. There were many other persons of the Jewish persuasion who deserved the same high character as the two excellent individuals to whom he had just alluded. He hoped that the House would gladly avail itself of the present opportunity to remove the barriers which kept those persons from the possession of their municipal rights.

Sir *G. Strickland*, as a friend of the established Church, thought, that the best way of propping up that church was by removing all those heartburnings against it which were created by the religious exclusions which it had formerly considered necessary to its defence. He therefore hoped before long to see the time when all religious disabilities would be removed. The present, however, was a question in which policy as well as principle was at stake; and as he was of opinion that a prudent man ought to take all that he could get, when he could not get all that he might wish, he should oppose the amendment of the hon. Member for the city of London, lest by supporting it he should run the risk of losing the substantive motion of his hon. Friend, the Member for Leeds.

Mr. *Pattison* supported the amendments proposed by his hon. Colleague. He was surprised to find opposition made to such a proposition on that (the Radical) side of the House, although he was quite prepared for it on the other side. He had a notice of a motion for that night, which he would not go on with if the House acceded to that of his hon. Friend. But if the proposition of his hon. Friend were rejected he should certainly bring forward his own. He wished to add the expression of his feelings and those of his constituents in support of the views and opinions expressed in favour of the Jews by his hon. Colleague. He would illustrate the estimation in which gentlemen of the Jewish persuasion were held in the city, by observing that when he left the chair as governor of the bank, a Jewish gentleman was proposed to fill it, and the seconder of that gentleman was Mr. Gurney, the Quaker. He gave the proposition of his hon. Friend his hearty support.

Sir *Robert Inglis* had great pleasure in admitting all the high personal qualifications of the two excellent individuals who had been alluded to by Gentlemen on the other side. The present, however, was not a personal question, nor ought it to be embarrassed by personal considerations. It was a question of principle, and of principle only, and that question was, whether they ought not to exclude from all share in the government of England those who did not profess, like themselves, Christianity. The proposition of the hon. Member for Leeds was very different from that of the hon. Member for the city of London. The first was a proposition to relieve those who differed from the Church of England; the latter was a proposition to relieve those who differed from our common Christianity. He insisted that those who did not believe in our common Christianity should not be admitted to legislate for it. He reminded hon. Members that in the summons which called them together they were convened to consult, not only on the state and defence of the kingdom, but also on the Church. It might be perhaps said, that if the argument which he had just used proved anything, it proved too much; for there were already in the Legislature men who had no especial interest in the Church. But he insisted that even those men had an interest in our common Christianity, and hitherto the Legislature had excluded from it all who did not profess the faith of a Christian. He was sure that if the House should determine to admit such persons within its walls, it would be contrary to the feelings of the country, and would never be permitted by the other branch of the legislature. Having on former occasions opposed upon general grounds the introduction of Jews into that House, he could not allow them to be introduced by a side wind into the enjoyment of municipal offices. He should give his strenuous opposition to the instruction moved by the hon. Member.

Mr. *Cutlar Fergusson* said, that he knew the hon. Member for Oxford was on all occasions in the field against any propositions which were introduced as regarded the Jews. Now, he would not admit any argument which speculated on what might be done in the other House of Parliament. The question seemed to be, whether the principle should be established that no man, be his religion what it might, should be disabled from holding any civil office by reason of those religious opinions, and it was his conscientious opinion that every loyal subject should be admitted to civil offices—that the question should be not of what religion any person was, but whether, should he be admitted to legislative functions, he would be dangerous to the State, in consequence of his political opinions? The hon. Member for Oxford always objected to the admission of Jews to civil privileges, and he was convinced he would do so to the end. But on what ground, he would ask, should they not be admitted? There were no men who were more loyal subjects; and as to their political opinions, it had been remarked that there was no instance of a person of the Jewish persuasion who had ever been convicted or accused of a political offence. It had been remarked that the good conduct and loyalty of the Jews as a body could not be established by two persons, but it was admitted that the conduct of all those who had been admitted to civil offices had been so unexceptionable as to have acquired the applause of both sides. In reference to the argument used by the hon. Member for Oxford, that he would oppose the motion because the parties referred to were not Christians, he remembered that the same hon. Member had been as vehemently opposed to the Dissenters, and that he had been always averse to the repeal of the Test Act. He had followed him in the debate on that question, and it struck him that if he carried out his principles there would be an end to any advance in religious toleration—to the Catholic Emancipation Bill what had been his objections? They were as good Christians as any other, and yet he objected to their participation in civil rights; and now, when the question was the admission of Jews to those privileges, his objection was that they were not Christians. With all respect to the hon. Gentleman, he could see no objection to admit them to offices, to fulfil which they were capable, as could be evidenced in the City of London. There were thousands of that persuasion whose character and dealings acquired for them the respect and admiration of all with whom they were connected. He trusted, therefore, that the amendment would be carried, and that a great principle would not be given up upon speculation as to what might be done in another place.

Mr. *Kemble* said, if he understood the object of the bill, its purpose simply was to extend to certain classes of Christian Dissenters the same relief in respect of municipal offices which had been already granted to them by all Acts of Parliament regulating the conditions of admission to other places of public trust. This being the only question before them, he thought the amendment of the hon. Member for the City of London utterly irrelevant. It was hardly fair that the House should be called on to affirm a principle of an extent so wide as to sanction the admission of persons of the Jewish persuasion not only to municipal officers, but to seats in that House, in a bill of which the object was to relieve Quakers from an oath which they could not conscientiously take. He should feel it is duty, therefore, to vote against the amendment.

Mr. *George F. Young* said, the hon. Member for Surrey, in asserting that the amendment would sanction the admission of Jews into that House, as well as enable them to hold municipal offices, had confounded two objects totally distinct. The Jews were not excluded from municipal offices; the question was, whether they should continue to hold them under the absurd and anomalous tenure by which they are at present compelled to fill them, or whether a more sound and rational system should be introduced. Would any man maintain that a Jewish sheriff, elected by the citizens of London, and liable to a fine of 600*l.* if he refused to serve, should be compelled to sign a declaration that he will discharge the duties of the office, "on the true faith of a Christian," or be subjected to heavy penalties, from which he could only be relieved by the act of indemnity annually passed? The object sought to be attained was merely to abolish this barbarous form of procedure, and if the House declined to relieve all who were placed in the position he had described, they would commit a positive act of injustice towards those who were excluded.

Captain *Pechell* remarked, that Mr. Salomons, a well-known member of the Jewish persuasion, had lately canvassed a borough in the county with which he was connected, and that the prejudices against him felt by many at first were entirely removed before the canvass was finished. He hoped the House would see the necessity of now granting an immunity, the concession of which was demanded by a vast majority of the nation.

Sir *C. Burrell* must say, as Mr. Salomons, his late opponent at Shoreham, had been referred to, that he believed the character of that gentleman for respectability stood very high. Truth obliged him to add, however, that the supporters of Mr. Salomons were, with few exceptions, of an inferior class in the social scale; how their votes were obtained, he would not say. The conduct of Mr. Salomons' supporters during the election was not at all creditable to them. With regard to the matter immediately before the House, he should certainly give his vote against the amendment.

Mr. *O'Connell* said, that if the constituency of Shoreham did not in future bear a very good character, they must ascribe it to the efforts of the hon. Baronet to set the House right on the point, as no one could have said anything against it but for the information kindly supplied by him. He could not content himself with giving a silent vote on this occasion, and the reason was, that the motion, as the hon. Member for Surrey (Mr. Kemble) said, involved a principle. The hon. Gentleman had used this argument against the motion of the hon. Member for the City of London, he (Mr. O'Connell) did not think in a legitimate way, for, by the hon. Member's manner of arguing, it seemed as if he would support the principle if it were separately laid down. It appeared to him to be a paltry and pitiful mode of legislation to be hair by hair and bit by bit admitting persons into offices without the exaction of religious tests. He did not know anything so derogatory to Christianity as those religious tests for admission to office; they became mere oaths of course; there was no sanctity about them, and the flippancy with which the ceremony was gone through in the usual routine of office was really anything but creditable to the religious feelings of the parties. If religious feelings existed, what should be the foundation of them? Justice to every creed—noninterference with private judgment—permission to every man to enjoy the fullest liberty of conscience—the renunciation of all claim to dictate the religious opinions of others. No man in that House had a right to inquire into the religious opinions of any individual; conduct alone ought to be regarded, and if it were such as to entitle a man to civil rights, the more conscientious he was in refusing to take an oath repugnant to his conscience, the greater title did he possess to the respect and esteem of his fellow-citizens. Instead of shutting the door to public eminence against such men, they ought to throw it open wider to their access. He would implore the hon. Member for Leeds not to oppose the amendment to the motion for going into Committee. The hon. Member had a particular object, but that to a certain extent involved a principle, and would be of small importance if it did not. Why not at once admit the principle, and accede to the amendment? Were any gentlemen more cherished in society than the class of Jews; were any persons better calculated to fill offices with credit; would it not be an act of injustice to exclude them from the benefit of this law? Municipal offices were at present held by Jews by a sort of trick and dexterity of law, and was it not most discreditable to say that we allow that to be done surreptitiously which is not done openly?

Mr. *Hume* said, that the hon. Baronet opposite (Sir R. Inglis) had assented to the 87th section of the Act 3 and 4 William 4th, which enacted, that no native of British India, nor any natural-born subject of his Majesty residing therein, should, by reason of his place of birth, descent, or colour, be disabled from holding any place, honour, or emolument, under the East-India Company. Why should the hon. Baronet withhold the same privileges from the Jews of this country which he had consented to grant to every native of our Indian dominions? Why should he deny to natives of England those rights which were enjoyed by her subjects in a distant region?

Mr. Baines rose, but gave way to

Lord *John Russell* who said, his vote would be very much governed by the opinions held by the hon. Member for Leeds, who had prepared the Bill. With regard to the difference between the hon. Member for Dublin and the hon. Member for Surrey, he had no hesitation in declaring his support of the principle involved in the amendment; and if he thought he could forward the progress of any measure by asserting that principle, he should be most happy to do so. But the question with respect to this Bill was of a different nature. When the Bill for the repeal of the Test and Corporation Act was before Parliament, it was returned from the House of Lords with certain additions to the declaration proposed in it, which were adopted by the House. Therefore, if there was any discredit in giving way to a partial admission, as the hon. Member for Tynemouth contended, the House was then guilty of that fault, because while they maintained that the Test and Corporation Act should be repealed, they inserted in the declaration which was adopted, the words "on the true faith of a Christian," manifestly excluding the Jews. Certain other words were added to the declaration, which, as he understood at the time, were intended only to give it the character of greater solemnity. For that purpose the words "in the presence of Almighty God" were introduced, which gave to the form the character of an oath rather than a declaration, though they did not convert it to an oath. Now, in passing such a Bill as his hon. Friend the Member for Leeds proposed, it might be very well contended that the intention of the Legislature was not to admit Jews, but that it was not their intention to exclude persons having a conscientious objection to an oath by putting words in the declaration tantamount to an oath. That was the principle on which the Bill of his hon. Friend was founded; but if, besides accomplishing this object, they could accomplish the object of admitting Jews, and if his hon. Friend thought the principle could be acted on in the Bill with advantage, he should be happy to embrace the opportunity, and assert again the principle he had asserted when Bills for the relief of the Jews were brought before the House by an hon. Friend of his now in India (Mr. Macaulay), and by his right hon. Friend near him (the Chancellor of the Exchequer.) But, if his hon. Friend were of opinion that the introduction of such a provision at this time was likely to be injurious to his Bill, then he should say the best course they could adopt would be to limit the relief to the parties for whom it was originally contemplated, and the argument for the future admission of the Jews would not be weakened, but strengthened, by the admission of another class of Dissenters. It was, however, entirely a question of policy, and he laid the matter before his hon. Friend and before the House with the assurance that his hon. Friend's vote should be guided by his determination.

Mr. *Baines* thought, that both duty and policy bound him to adhere to the course he had already marked out. On introducing this Bill he stated distinctly that it was his intention to relieve Quakers and Moravians from the obligation to take an oath in order to enable them to enter on a municipal office. That was his object, and beyond that he did not mean to go. He had no objection that relief should be given to the Jews; on the contrary, he thought it highly desirable that they should have relief, but he appealed to his hon. Friend the Member for London, and his hon. Friend the Member for Dublin, if the cause would in the slightest degree be prejudiced by the course he intended to take. If the House would permit him, he would introduce in the Bill after the word "Moravians," the term "Separatists," which would extend its benefits to another denomination of Christians.

The House divided on the Amendment:—Ayes 156; Noes 172: Majority 16.

List of the AYES.

Adare, Viscount
Ainsworth, P.
Archbold, Robert
Attwood, W.
Ball, N.
Baring, Francis
Beamish, F. B.
Bellew, Richard M.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, Martin Joseph
Blewitt, R. J.
Blunt, Sir C.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Bruges, W. H. L.
Bryan, G.
Buller, Charles
Buller, E.
Bulwer, Edward L.
Butler, hon. P.
Callaghan, D.
Campbell, Sir J.
Carnac, Sir J.
Cavendish, hon. C.
Clay, William
Clive, Edward Bolton
Codrington, Sir E.
Collier, John
Collins, W.
Copeland, W. T.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Curry, William
Denison, W. J.
Dennistoun, J.
Divett, E.
Duckworth, S.
Duke, Sir James
Duncan, Viscount
Duncombe, T.
Dundas, Frederick
Dundas, hon. J. C.
Dunlop, J.
Easthope, John
Eliot, Lord
Erle, William
Evans, G.
Fazakerley, J. N.
Fenton, John
Ferguson, Sir R.
Ferguson, Robert
Fergusson, R. C.
Finch, F.
Fitzsimon, Nicholas
Fleetwood, P. H.
Fort, John
Gibson, James
Gillon, Wm. Downe
Goring, H. D.
Grattan, Henry
Guest, J.
Hall, B.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. Leith
Hayter, W. G.
Herries, rt. hn. J. C.
Hindley, C.
Hobhouse, T. B.
Horsman, E.
Howard, F. J.
Humphery, John

Hutton, R.
Jervis, S.
Kinnaird, hon. A. F.
Lascelles, hon. W. S.
Leader, J. T.
Lennox, Lord George
Loch, J.
Lowther, J. H.
Lushington, Charles
Lynch, A. H.
Macnamara, Major
Mahony, P.
Marshall, William
Marsland, Henry
Martin, J.
Melgund, Viscount
Morris, David
Nagle, Sir R.
O'Brien, Cornelius
O'Brien, W. S.
O'Callaghan, C.
O'Connell, D.
O'Connell, M. J.
O'Connell, Morgan
O'Ferral, R. M.
Paget, Frederick
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain R.
Philips, Mark
Phillpotts, John
Ponsonby, C. F. A.
Poulter, John Sayer
Power, James
Protheroe, E.
Reddington, T. N.
Rice, E. R.
Rich, Henry
Roche, David
Roche, William
Rolfe, Sir R. M.
Rundle, John
Salwey, Colonel
Scholefield, Joshua
Sharpe, General
Standish, Charles
Steuart, R.
Stewart, James
Stuart, Lord J.
Strangways, hon. J.
Strutt, E.
Talbot, J. Hyacinth
Talfourd, Sergeant
Tancred, H. W.
Thompson, Alderman
Thornley, T.
Vigors, N. A.
Villiers, Charles P.
Vivian, J. H. E.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, Robert
Warburton, Henry
Whalley, Sir S.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, H. J.
Wood, Sir M.
Wood, G. W.
Wyse, Thomas
Yates, J. A.
Young, G. F.

TELLERS.

Grote, G.
Hume, J.

List of the NOES.

Acland, Thos. D.
A'Court, Captain
Alsager, Captain
Ashley, Lord
Bailie, H. D.
Bainbridge, E. T.
Baker, Edward
Baring, H. Bingham
Barneby, John
Barrington, Visct.
Bateman, John
Bateson, Sir R.
Bell, M.
Bethell, Richard
Blair, James
Blake, W. J.
Blennerhassett, A.
Bolling, William
Borthwick, Peter
Briscoe, J. I.
Broadley, Henry
Brownrigg, S.
Bruce, Lord E.
Buller, Sir J. Yarde
Burr, Daniel H. D.
Burrell, Sir C.
Canning, Sir S.
Cantilupe, Viscount
Cayley, E. S.
Chaplain, Colonel
Chapman, A.
Chichester, J. P. B.
Christopher, R. A.
Clive, Viscount
Clive, hon. R. H.
Colquhoun, Sir J.
Conolly, E. M.
Courtenay, P.
Dalrymple, Sir A.
Damer, D.
Darby, George
Davies, T. H.
D'Israeli, B.
Douglas, Sir C. E.
Duffield, T.
Dugdale, W. S.
East, J. B.
Eaton, R. J.
Ebrington, Viscount
Egerton, Wm. Tatton
Elliot, hon. John C.
Ellice, Captain A.
Ellis, John
Estcourt, T. G. B.
Estcourt, T. H. S.
Farnham, E. B.
Follett, Sir W.
Forbes, William
Forrester, hon. G.
Freshfield, J.
Gladstone, W. E.
Gore, J. R. Ormsby
Goulburn, H.
Greene, T.
Greenaway, C.
Grey, Sir G.
Grimsditch, T.
Grimston, Visct.
Grimston, hon. E. H.
Halford, H.
Harcourt, G. S.
Hardinge, Sir H.
Hastie, A.
Henniker, Lord
Hillsborough, Earl of
Hodgson, F.
Hodgson, Richard
Hogg, James Weir
Holmes, hon. W. A.
Holmes, William
Hope, George W.
Hope, Henry T.
Horsey, S. H.
Houldsworth, T.
Houstoun, G.
Howick, Viscount
Hughes, W. B.
Ingestrie, Viscount
Ingham, R.
Irving, John
Jackson, Sergeant
James, Sir W. C.
Jenkins, Richard
Johnstone, Hope
Kemble, Henry
Kerrison, Sir Edward
Knatchbull, Sir E.
Knight, H. G.
Langdale, hon. C.
Law, hon. C.
Lennox, Lord Arthur
Litton, Edward
Lockhart, A. M.
Logan, Hart
Lygon, General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, Donald
Mactaggart, J.
Marton, George
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Morpeth, Viscount
Muskett, G. A.
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Palmer, Robert
Palmerston, Viscount
Parker, J.
Parker, M.
Patten, John Wilson
Paul, H. S.
Pemberton, Thomas
Perceval, Colonel
Pinney, William
Powerscourt, Visct.
Price, Richard
Pringle, A.
Pusey, P.
Rae, Sir Wm. Bart.
Ramsay, Lord.
Richards, Richard
Rolleston, L.
Rose, Sir George
Round, C. G.
Round, John
Rushbrooke, Colonel
Rushout, George
Russell, Lord J.
Sanford, E. A.
Scarlett, hon. J. Y.
Seymour, Lord
Shaw, Frederick
Sheppard, T.
Shirley, Evelyn J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, Abel
Somerset, Lord G.
Stanley, Edward
Stanley, Lord
Stansfield, W. R. C.
Stewart, John
Stuart, H.
Strickland, Sir Geo.
Style, T. C.
Sugden, Sir E.
Talbot, C. R. M.
Trevor, hon. G.
Tufnell, Henry
Turner, William
Verner, Colonel
Wilberforce, William
Williams, Robert
Wilmot, Sir J. E.
Winnington, T. E.
Wood, C.

TELLERS.

Baines, Edward
Inglis, Sir R. H.

The House went into a Committee on the Bill. The word "Separatists" was inserted. The clauses were agreed to, and the House resumed.

Wills Act.] Sir *Edward Sugden* moved for leave to bring in "a Bill to suspend for three months, from the end of December, 1837, an Act passed last Session for amending the law relating to wills." His object in making the motion was to give the Government an opportunity of amending the Act passed during the last Session. Any amendments should, in his opinion, emanate from the Government, and he felt inclined to leave to them the introduction of such as may tend to improve the Act. He merely asked the House to grant time, in order that Government might consider what amendments were necessary, and in doing so, he would declare that he was not actuated by any feelings of party policy or personal hostility. He felt much pleasure in bearing testimony to the diligence and skill of the property Commissioners, on whose report the Bill was founded; and he also thought that Mr. Tyrrell, and a noble Lord in the other House, the Master of the Rolls, were entitled to much praise for the zeal and judgment they had displayed. Few measures had received so much attention as the one which was then under the notice of the House. It had been referred to two Committees of that House, and had been twice before the House of Lords. It had received the most calm and judicious consideration. But he still maintained that the act could not meet all the objects for which it was framed. No man was more desirous than he to see those objects carried out, and he felt how important it was to have the measure free from any objections. The most desirable object, in his opinion was to establish security for the transfer of property. The rules for this purpose were few and simple. The leading rule was to leave well alone; and he thought that legal as well as medical practitioners acted wrongly in interfering with it. Another, and very important rule was, not to run counter to the habits and general opinions of the people in making any alterations. There was, however, an instance of this in the Bill to which he referred, for there he found that no man could dispose of property personal or real, without having two witnesses to the execution of his will. Since the time of George 1st, it had been understood that personal property could be disposed of without two witnesses, but not stock or funded property. What, then, would be the consequence of this law? Why, that without two witnesses such will would be invalid, and yet, from not being known, it might never be attended to. It was impossible to turn the current of public opinion in matters of this nature; and the only result arising from this Act would be to bring wholesome laws into disrepute. Another rule was, not to put an arbitrary meaning on words that did not admit of a fixed signification. Some had said, in respect of this, that they did not like judge-made law; but if they did not approve of the judge's putting such construction on the words as he should think right, he (Sir E. Sugden) must say, that he differed from them. Upon this point it had been once said by Lord Camden that it was not in the power of penmanship to meet all questions by any distinct form of words; that rules of construction, therefore, must be framed to cover the defects of human learning, and that, where differences of opinion might exist, the construction of the judges should be received. He thought that it was good reason not to interfere with the judicial power of the judges in what cannot be made certain and fixed. It might be said that the moment you form a system, everything should be made to bend to that system; but the rule he had just mentioned was, he thought, important, and yet had by this act been violated. There was another rule, too, that for the purpose of correcting casual inconvenience, a fixed law ought not to be made. In the Statute of Frauds, the Legislature had imposed various conditions, in order to guard against fraud, which might have been beneficial had they been universally known. The necessity for an alteration of this kind might have been thought strong ground, but surely many more wills had been overturned by it than fixed. There were two other rules also which were worth noticing. The first is, not to alter the existing contracts of wills. This he need only point out to the House, and they would judge for themselves what would be the operation of this new measure. The second is, not to attempt too much by one Bill. When the grasp is too great much may be lost which might have been gained by a more limited effort. It is impossible, in one Bill, to admit of all provisions. For this purpose, the language must be distinct, and the provisions should be made for every case. This could not be done in one Bill, and, therefore, much as in the present one, would be left unexpressed and unprovided for. He could, however, bear testimony to the talents, learning, and efficiency, of the Gentleman who had brought forward and had supported this measure, and if it had miscarried in securing its object, it had not miscarried from any want of care or attention on his part. But he would just consider the effect which this Bill would produce. He had pointed out different rules that should be observed, and it would be seen that this Bill was not in accordance with them. It did not leave well alone. It did run counter to the habits and opinions of the people generally; it did put an arbitrary construction on words that admitted of no determinate meaning; it did make a fixed law for correcting casual inconveniences; it did alter the existing contracts of wills, and it did attempt much more than was practicable in one measure. He thought, therefore, it must operate injuriously, and that it would be an universal clog. It might perhaps be, that too much care had been paid to the measure, or, perhaps that too much change had been made in the original Bill, and that this Act, as now passed, was very different from that which the noble Lord (Langdale) had introduced into the other House, and that it was, therefore, open to several objections. But although many alterations had been made in the measure in the House of Lords, yet, on its being returned to the House of Commons, it had not met with too much care or received too much change, for no alteration had been made in passing it through that House. It must be in the recollection of the right hon. Speaker, that in the course of addressing her Majesty on the Throne, at the end of the last session, he had spoken of this Act, and said it was to introduce different rules as to the construction of wills, and that he hoped its operation would be satisfactory, because it tended to promote the happiness and comfort of the country, by giving better security in the disposal of property by will. Now, if he (Sir E. Sugden) had thought the measure did answer this object, he would not wish to condemn the operation of some of its clauses. He admitted that there were many which he approved of—no objection could be made to them; but there were others which he highly condemned, and which he thought would act most injuriously. He would, therefore, without further preface, call the attention of the House to those parts which, in his opinion, required amendment, and would state his reasons for thinking so, as otherwise he should not be justified in making his present motion. He had called the attention of the House to them in connexion with the other parts of the Act, by stating his general opinion upon the measure; but he would now speak to those parts which should be considered and altered. The first alteration was with regard to infants. In times past, infants had been allowed to make wills of their personal estates, so that any person of seventeen years of age might bequeath his personal estate to whomsoever he pleased. But, by the present law, this was not permitted. If this clause were introduced into the measure, there should have been some restrictions as to its operation. Now, in the case of illegitimate children, it was very hard that a young person who might possess a large fortune should be prevented from providing, if he wished it, for those who were dear to him, although he were not twenty-one years of age. In all preceding times he might have done so, but by the present law he cannot. Again, he may marry and have children. Suppose he has: to whom does his property go if he dies before he is of age? His property goes to the Crown. Now, why take from him the disposal of his property. Why take from him his right, and give it to the Crown? This alteration he thought had not been judicious. There should have been some qualification. Another great point which required amendment was the way in which wills were to be executed. Immediately after the Restoration an Act was passed giving to an infant a right of appointing by will guardians to his children. What objection, then, should there be now to his still appointing by will? They had waited patiently for a century and a half, and why should the law be altered now? Unless he was under a mistake, and he believed he was not, this law certainly took from infants the powers which had been conferred on them by the Act of Charles 2nd, and without any necessity. He objected to removing the powers which existed under the old law. Again, there was section 9, which related to the mode of the execution of wills. It was there said that;—"No will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned (that is to say)—that it be signed at the foot or end thereof by the testator, or by some other person in his presence, and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary." By this law great alteration had been made as to the number of witnesses necessary for the bequeathment of a personal estate. The law makes it necessary to have two. Formerly it required three for real property, but personal property might be disposed of without. This no doubt was a great inconvenience, but how stood it now? No man could leave even a legacy of 10*l.* without having two witnesses, and adhering to all those forms and instructions which were requisite for the disposal of a large property. He must say he could not understand why this should be. He was sure that numbers of legacies would not be given now in consequence of this difficulty. He was not dealing merely with men of property or intellect, but with every small shopkeeper in England, Wales, Scotland, and Ireland, whose property was as dear to him, small as it might be, and his disposal of it of as much consideration to him, as that of the Gentlemen who heard him was to them. Could he be acquainted with the law? Could he know the different forms that he must adopt in order to leave his property as he wished? It was true that the noble Lord at the head of the Home Department had taken great pains to circulate this Act, that extracts from it had been posted on different public buildings throughout the kingdom, and no slight praise was due to the noble Lord for having done so. But could they understand it, even if they saw this? He must admit that he himself could not. He had not read it hurriedly, but with all his care, and he must say, with that experience and advantage which it might be well supposed that he had had, he could not understand it, and he believed no other person could. He by no means understood what the construction of the law was to be. How, then, could the common tradesman understand it? Where was he to get two witnesses? Where could he learn how to make his will? He might be told there was the Act of Parliament; but of what use would that be if he could not understand it? He thought this Act would introduce into the country a sort of pettifogging agent, something between a schoolmaster and an attorney's clerk, either to make wills or pick flaws in them when made. He believed that although from the time of George 1st to the present moment two witnesses had been required to a will by which real property was bequeathed, no Gentleman in the House was cognizant that he might dispose of his personal estate by will without such witnesses, except funded property or stock. Why was this? Because they had gone with the stream of general opinion, and had not questioned the matter. He had no hesitation in saying that this measure would strike at the root of the disposition of property of thousands of persons who would not think it was beneficial. If they looked to the courts of equity in this country, in the case of a will where two witnesses were required to have signed it, and some omission had taken place, the feeling was so strong, that the court took the circumstances into consideration, and if other proofs of the covenants could be given, the will was allowed to stand. He thought it was impossible that this part of the Act could remain without alteration. He had an observation to make with respect to codicils of wills. Formerly, by the Statute of Frauds, if a person executed a will, properly signed and attested, and added a codicil, signed only by himself, and without witnesses, it was nevertheless valid. Now, however, this could not be done; but every time an alteration is made, there must be in attendance an attorney and his two clerks to witness the will. The point required great consideration. But again, suppose the two witnesses were there, how was it to be executed? He was by no means certain of the construction of the law, and it was not likely that a country lawyer would be. The clause said, the signature should be made by the testator, in the presence of two witnesses present at the same time, and such witnesses should sign in the presence of the testator. Now, in the Statute of Frauds the testator must sign in the presence of three or more witnesses, who should attest or subscribe in the presence of the testator. There must be actual presence of the witnesses at the time, but why should two constructions be admissible? The judges had held that the witnesses need not sign in the actual presence of the testator, but if they did it where he could see them, it was enough. Now, a man dying, and having signed his will in the presence of witnesses, the witnesses afterwards having gone to a table in the same room to sign it, it was held that the terms of the Act had been fulfilled, because the testator might have seen them do it. There was another case, too, of a lady who called at a lawyer's in Lincoln's-inn to execute a will, and, having signed it in her carriage, as the witnesses were signing it too, the coachman backed the horses, and thus moved her from seeing them; but the judges were induced to say that she might have seen them sign it, and therefore the will was good. There was also the case of the late Duke of Roxburgh. Now, all these questions were left in this Act, and with increased difficulty. Instead of clearing them, they were now surrounded by greater difficulty. The Real Property Commissioners, on whose report this Act had been brought forward, did not propose that witnesses should sign in the presence of the testator, and not in the presence of each other. This was too dangerous; but they suggested that they should sign in the presence of each other, and not in the presence of the testator. When he was in the House before, he had brought in a Bill, which he could not unfortunately carry, which had met this objection in a business-like manner. In that Bill he had proposed that the testator should sign before the witnesses, but if the witnesses signed so as to make it a *bonâ fide* transaction before they left the House, it should be sufficient. Many authors had written on this Act—he thought no less than nine—and yet, most singular to say, if this Act be so clear, they most of them differ in their construction of it. Now, suppose it necessary for both witnesses to sign in the presence of the testator. A gentleman in his library signs it before his two servants. When he has signed it, they consider the testator's part done, and they then leave the room and sign it elsewhere. This might happen a thousand times. Again, one perhaps signs it, hears a knock at the door, leaves the room, and during his absence the other signs. And yet on these accounts such will would be invalid. He could not say what the true construction of this clause was. It was in his opinion absolutely necessary to strike out the words "in the presence of the testator," and determine in some other satisfactory and more practical way the manner in which the two witnesses should sign. Lord Mansfield, in reference to the same clause in the Statute of Frauds, had said, that was encumbered with difficulty: but this clause is more ambiguous than that. He now came to an important part of the Act,—namely, that which related to the character of the persons who were to be witnesses to the execution of wills. By the Statute of Frauds it was required that the witnesses should be credible witnesses, and a felon or an insane man was not held to be a credible witness, for to make an insane person testify to the sanity of a testator was an absurdity, which it was left to the Act he was now commenting on to commit. A man receiving advantage from a will was likewise considered not to be a credible witness with regard to the execution of that document; and an Act was passed which, in order to render his testimony valid, made void the legacy in his favour. This part of the law, though in point of practice inoperative, was yet consistent. But how did the law stand under the Act to which he was now drawing the attention of the House? Would the House believe that by that Act credible witnesses were not required, and that a madman or a felon might be a witness to the execution of a will? The law provided that no incompetent person should be a witness, and this Act declared that no incompetent person should be examined, and thus all the advantage which might otherwise have been obtained in favour of justice from the contradictory testimony of fraudulent witnesses was lost. It was his opinion that by the Act he was alluding to, the execution of wills was rendered very difficult, and in some cases impracticable. A great evil arising out of the Act was, that by it all existing powers under wills were obliged to conform to the provisions of the new law; and that a court of equity was prevented from giving aid to a defective execution, even in favour of a man's own wife or child. A very grave question also arose under the Act with regard to the revocation of wills; for it enacted that a man' marriage should revoke his will. There used to be an excellent law, which was now repealed, which committed no such absurdity as that. Formerly, when a man married and had a child, his former will was thereby revoked, but it was not revoked until he had a child. But, by the present Act, marriage of itself revoked the will; and though a man might have made a will in contemplation of his marriage, bequeathing certain property to his wife, yet as soon as he married, that very document which he had caused to be drawn up in anticipation of his marriage became null and void. The present Act also threw difficulties in the way of the cancelling and destroying of wills. There were also other clauses of the Act which he thought required revision, but to which he would not draw the attention of the House at any length. The clause relating to persons dying without issue, to whom real or personal property was devised, required re-consideration, as well as the clause relating to any real estate devised to a trustee. On this last clause there was a great difference of opinion amongst those who had written on the Act, and that difference of opinion was an argument in favour of its revision. The next clause to which he would call attention was that which provided, "that when any person being a child or other issue of the testator to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person shall die in the lifetime of the testator leaving issue, and any such issue of such person shall be living at the time of the death of such testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will." Now, the meaning of that clause was very ambiguous, and he found that four persons who had written on the subject held that in such a case the property went by substitution. In that opinion he did not agree, but the various opinions expressed as to the meaning of the clause showed that it required revision and alteration. The clause regarding legacies was also ambiguous, and required re-consideration. There was another point to which he wished to call attention. The provisions of the Bill were not extended to the colonies; and the consequence would be that a man having an estate, say in Jamaica, would find that property in that island, given in the very same words as an estate in this country would be given, would not have effect. This was a defect which certainly ought to be remedied, and the same law ought to be extended to the colonies as was enacted for this country. He had now gone over the various points of the Bill which he thought required revision; and he would say, in conclusion, that he had brought forward his motion solely from a sense of duty, and from a desire to give to the community a clear and simple rule for the transmission of property. He wished to afford the Government an opportunity of re-considering the Act of last Session, and he was ready to give every assistance in his power to make that Act perfect. No harm would result from the old law remaining in force for a few months longer; but if this Act went out to the country as a perfect law, it would be found not to meet the wants of the people. He wished again to say, that he made no imputation against any man; for the Bill had been altered here, and altered there, and he well knew the difficulty of framing a law of this description. He had spoken with the best feeling towards hon. Gentlemen on the other side of the House, as his only aim was to have the Act re-considered, and so important a measure rendered as perfect as possible.

The *Attorney-General* knew, that whatever fell from the right hon. and learned Gentleman upon any legal question was entitled to the highest consideration, and he had no doubt whatever, that the right hon. and learned Gentleman had brought forward this question with the purest and most disinterested motives; but at the same time, he must say, that the course proposed to be taken by the right hon. and learned Gentleman was wholly unprecedented, and, as he thought, wholly unjustifiable. He did not complain of the want of courtesy that the right hon. and learned Gentleman gave him no notice, nor even conveyed to him any communication whatever that could afford him the most distant conception in the world of the course which the right hon. and learned Gentleman intended to pursue; but, setting that aside, he thought he might complain a little that the House should now be called upon to appoint a

Committee to sit upon the details of an Act after it had become the law of the land, and to enter into a verbal criticism of particular clauses and particular terms, the tendency of which would be to defeat the great and beneficial operation of what he would venture to call an excellent law. If this Act were not properly framed, he confessed he despaired of ever having an act pass the Legislature that could be called perfect. The principles of the bill and all its main enactments were recommended first by the ecclesiastical commission, and secondly by the real property commission. Many of those points of the bill to which the right hon. and learned Gentleman had most strongly objected, especially those clauses which placed real and personal property upon the same footing, were recommended by the ecclesiastical commission, consisting, as the commission did, not only of several bishops, but of the heads of the courts of justice in Wesminster-hall, of all the ecclesiastical judges, and many of the most eminent members of the bar. The real property commission followed. He had the honour of presiding over the deliberations of that commission, and, after a most painful investigation, after taking all the means in their power to come to a just conclusion, the real property commissioners concurred in the opinion pronounced by the ecclesiastical commissioners, and confirmed the recommendation of those principles upon which the bill was framed. They also approved of every one of the provisions which almost, clause by clause, constituted the bill as it now stood. Before the bill was presented to the House it was printed and circulated amongst all the conveyancers and chief legal practitioners both in London and the provinces. The framers of the measure were most anxious to receive suggestions and recommendations from every quarter, and in consequence of the course they took prior to the introduction of the Bill, they received many most valuable communications of which they availed themselves. The Bill was not introduced into Parliament until rather late in the Session of 1834. It was read a first and second time, and then referred to the consideration of a Select Committee. Every lawyer in the House was a Member of that Committee, and they gave to the Bill a most careful and most anxious consideration, going through it clause by clause, and maturely weighing every one of the provisions contained in it. Unfortunately the House was not, at that time, enriched with the presence of the right hon. and learned Gentleman (Sir E. Sugden), and the Committee was, in consequence, deprived of the advantage of his great talent and experience upon these matters. The Session of 1834 concluded before the Bill could be brought to a third reading. In 1835, the Bill was again introduced—again read a first and second time, again generally approved of, and again referred to a Select Committee. It would be remembered, that at the commencement of the Session of 1835, the right hon. Baronet (Sir R. Peel) opposite was in office, and that Lord Lyndhurst was Chancellor. Lord Lyndhurst, at that time, wrote to him (the Attorney-General) stating that he entirely approved of the Bill, and that he should be ready to bring it into the House of Lords. With hardly a single exception, the Bill then stood in exactly the same shape as that in which it was subsequently passed into a law. Having been introduced into the House of Commons, and read a first and second time, it was, as he had already stated, again referred to a Select Committee. Upon that Committee sat Sir Frederick Pollock, Sir William Follett, Mr. Sergeant Jackson, Dr. Lefroy, Mr. O'Connell, Mr. Hogg, Mr. Pemberton, and all the most eminent members of the English and Irish bar. The Committee so appointed went through the Bill clause by clause, and most carefully considered every one of the points which the right hon. and learned Gentleman had alluded to, and partially discussed. The right hon. and learned Gentleman had, in fact, started nothing new; every point that he had raised had been thoroughly discussed in the Committee. Was the right hon. and learned Gentleman, therefore, because he was not at the time a Member of the Legislature, now to come forward and ask the House, after all its labours, to stultify itself, and to declare that an Act upon which so much pains had been exhausted should not be allowed to come into operation? The discussion in the Committee occupied so long a time, that the Bill could not pass in the Session of 1835. In 1836, it was introduced into the House of Lords by that great judge, Lord Langdale. It was referred to a Select Committee of the House of Lords, composed, amongst others, of the present Lord Chancellor, Lord Brougham, Lord Denman, Lord Lyndhurst, Lord Wynford, and Lord Abinger. Those noble Lords took the whole of the measure into their consideration, but could not make up their minds upon several most important clauses. They thought that some further time was required for consideration, and, consequently, the Bill did not pass in 1836. In the beginning of 1837, it was again introduced by Lord Langdale, who in the recess had paid the greatest attention to all its details, having consulted every one within his reach who could give any information or advice upon the subject. It was again referred to a Select Committee, which sat day after day, bestowing the utmost attention to every part of the Bill. Some few alterations were made; but the effect of those alterations was to restore the Bill to exactly the same state as that in which it had originally passed the House of Commons. In 1837, the Lords sent down, without the difference of a single line, the very Bill that was sent up to them by the Commons in 1835. The Bill formed a very leading topic in the speech of the Speaker, when that right hon. Gentleman announced to her Majesty the business of last Session; and it was rash, if not cruel to say, that the very topic upon which the right hon. Gentleman then expatiated was one that would do a great deal of mischief, that it would create nothing but annoyance and confusion; and that her Majesty's Ministers would rue the day when it was passed. Under these circumstances, could the House agree to suspend the operation of the Act, in the belief that it was mischievous—that it wanted amendment? It might want amendment; and whatever his right hon. Friend might hereafter propose with that view would, of course, be most seriously considered. Let him bring in a Bill to amend any of its clauses, and not only would he (the Attorney-General) not oppose it, but would give his right hon. Friend all the assistance in his power; but to say that the Act should be suspended for three months because his right hon. Friend did not approve of it was most extraordinary. He would not follow his right hon. Friend through the several provisions of the Act. His right hon. Friend had said, that the law of wills, as regarded the form of attestation, ought to be left unaltered. The law, as it at present stood, was a most incongruous and barbarous law,—a law that was never maintained in any country: it was quite a disgrace to any civilised society A will for the disposal of freehold land, however insignificant in value, was required to be executed in the presence of three witnesses; but if the property were copyhold, it did not require any witness at all; and with regard to personal property, any kind of memorandum was construed into a legal disposition of the property. In fact, no man could say what was a will or what was not one. The courts at Doctors' Commons had, for years past, been chiefly occupied in deciding what was and what was not a will; and was it not proper that this state of things should be put an end to, and that there should be some definite criterion as to what was or was not such an instrument? He thought it was; so thought all the ecclesiastical commissioners; so thought all the real property commissioners; although so did not think his right hon. and learned Friend. But then his right hon. Friend said, that they ought not to interfere with the interpretation of words. Now, the great object of the law was to give effect to the intention of the testator; but by the construction of the courts of justice that intention was constantly violated. Where the testator meant to give an estate for life the courts had given the devisee an estate in fee-simple, and *è converso.* It was for this reason that certain clauses had been inserted in the Act. His right hon. Friend had alluded to forfeitures incurred, and to property devolving to the Crown. He had had the honour to be a law-officer of the Crown for five years, and he could say that whenever any property devolved to the Crown under the circumstances stated by his right hon. Friend, the Crown had always acted merely as a trustee for those who would have been the objects of the bounty of the testator. He asserted that this was the case. Suppose a man died intestate without next of kin, but leaving illegitimate children, the Crown always gave the property to them. His right hon. Friend had dwelt upon the difficulty of obtaining on all occasions the presence of two witnesses; but he did not conceive that any such difficulty existed. His right hon. Friend had said, that whenever a person desired to make a will, he must now, by this Bill, send for an attorney and two clerks. There was, however, no necessity for the presence of an attorney, much less of two attorney's clerks; because the nurse and the apothecary, the servant or a neighbour might be called in, and fulfil that office abundantly well. He was aware that his right hon. Friend had in a former Session brought forward a measure, the leading principle of which was, that the attestation of the will should be part of the same transaction with the making of the will itself. But who in the name of goodness could tell what was part of the same transaction? Suppose there should be a knock at the door, and the servant went before witnessing the will to answer it? That might put an end to the transaction. Though there might be some difficulty in the operation of the present Act, he could only say the Bill proposed by his right hon. Friend would have been much more liable to difficulty. His right hon. Friend might feel a little disappointment, he (the Attorney-General) would not say irritated, at thecircumstance, but the fact was, that hisBill had gone into oblivion; whereas the Bill of another has become the law of the land. Another argument of his right hon. Friend was, that under the present law a will might be witnessed by incredible witnesses. What was the sum and substance of this objection? Why, that a will should not be valid unless attested by credible witnesses; that was, unless they were known to the testator as credible witnesses. But it might happen that a man in the service of the testator might many years before have committed perjury unknown to the testator, who for years had known him only as a meritorious servant. Yet according to his right hon. Friend a will attested by such a person would be absolutely void. It was thought that such an objection ought not to be taken against such a witness, and that having attested that which had actually taken place, the will ought not to be rendered void on account of any such circumstance. Another objection made by his right hon. Friend was, as to the mode in which powers were to be executed. Now, he avowed that of all the clauses in the Act that which was the most valuable was the clause regarding the execution of powers. He was quite aware that that clause would render of no importance many decisions of the courts respecting the execution of powers, and he was sorry to say also that it would render of very little value some excellent treatises that had been published upon that subject; because the law had certainly by the new Bill been very much altered, and he thought very beneficially altered. The donor of a power sometimes annexed the most fantastic conditions as to the mode in which the person who was to execute the power was to carry it into effect. The donor might, for instance, say that it should be executed in the presence of seven witnesses, all of whom should have yellow hair, or should have only one eye or one leg. It might then become a question in a court of law whether the hair of the witnesses was yellow, or whether each of them was blind of one eye, and should it turn out that one of the witnesses had brown hair, or had both his eyes, it was quite clear that the power was not well executed. With a view to put an end to this, the law required only certain formalities, which were easy of observance, and which would avoid infinite evils; for his right hon. Friend knew that many persons were deprived of property intended to be given to them because powers were not effectually executed. Again, the terms of the attestation had been heretofore held to be material. This was now altered. Contradictory decisions had occurred on this point. Some decisions required that the words "signed, sealed, and delivered," should be used in the attestation, while others held that they were not material. He was himself counsel in a cause now pending, in which Sir Francis Burdett was interested, where that very question arose. The witnesses to the execution of the power did see it signed, sealed, and delivered, but it was not so stated in the attestation, and the disposition of a very considerable estate depended upon that defect. Now, if the law of last Session had been in operation, the question never could have arisen. This question had been in litigation for four years, and would in all probability go to the House of Lords before it was decided. The case of Fox *v.* Marsden had been argued by Sir William Follet for three days before fourteen judges, as to the admission of parol evidence with respect to a will republished subsequent to a marriage. Whether the judges would admit parol evidence he could not say, but he would venture to assert, that all the judges would with one voice condemn the present law. A marriage ought either not to revoke a will under any circumstances, or it ought in all cases to invalidate it. It was indispensably necessary to lay down a rule, and the Legislature had accordingly declared that a marriage in all cases should make a will previously executed void. He must, in conclusion, ask the House to have confidence in what had already been done. Let the House have confidence in the Legislature, in the report of the ecclesiastical commissioners, in the report of the real property commissioners; let them have confidence in Sir William Follett, Sir Frederick Pollock, Lord Lyndhurst, Lord Langdale, Lord Abinger, and Lord Brougham, although the right hon. Gentleman opposite might happen to differ from these high authorities. Let not the House suppose that because his right hon. Friend was a great lawyer, that he was the only great lawyer of which this country could boast.

Sir *Edward Sugden* said if the House were so perfectly satisfied with the alteration in the state of the law as it appeared to be, he had no objection that the country should have the benefit of the change. He had done no more than his duty in stating his objections to it. He would only beg just to observe that he had not been guilty, that he was aware, of any want of courtesy towards his hon. and learned Friend, in not communicating to him his (Sir Edward Sugden's) objections to the Act, because a book had been published which his hon. and learned Friend must have well known was published with his (Sir Edward Sugden's) approbation, which contained all the objections he had to-night stated to the Bill of last Session. A copy of the book was sent to Lord Langdale, but he thought it would have been an impertinent obtrusion on his part, and by no means beneficial, if he had forwarded a copy to his hon. and learned Friend. The right hon. Gentleman concluded by saying that he should carefully watch the operation of the Act, and time would decide whether he was right or not in his opinion respecting it.

Motion negatived.

Danish Claimants.] Mr. *Warburton* said, that many Members who had been instructed by their constituents to attend to this question were about to leave London, it was therefore impossible for him to postpone it. Let the House look to the enormity of the sufferings of those whose interest he now undertook to advocate. He did not feel that he was justified in putting off the question. In order that no objection might be made in any subsequent period of the debate, he would read the terms of the motion with which he intended to conclude. He did so, because he understood from his hon. Friend, the Secretary of the Treasury, that the Chancellor of the Exchequer intended to object to the form of his motion. His motion would be

> "That an humble address be presented to her Majesty, praying her Majesty to be graciously pleased to give directions to the Commissioners to whom it was referred, to examine the claims of certain British subjects for losses sustained on account of book debts, and other property confiscated by the Government of Denmark in the year 1807, that they shall examine the claims for losses sustained on account of seizures by the said Government in the said year, and for the subsequent confiscation of merchants' stores, and which claims, or evidence by which they are supported, may not have been delivered into the said Commissioners before the 12th of February, 1835, and that the said Commissioners shall report on such claims to the Lords' Commissioners of her Majesty's Treasury."

The *Chancellor of the Exchequer* had no objection to the form in which the hon. Member meant to bring forward the present motion, but he would tell his hon. Friend the mode in which he intended to meet it, namely, by calling for the production of all the minutes of the Commissioners and of the established rules under which the money had been distributed by them; and when the House was in possession of these minutes, and knew what had been done, it would be able to say whether it acquiesced in it or not. If they discussed the question at that time, he had no objection to the form of the motion if it were meant to be restricted to the application of the money which had been already voted; but if it were intended to include any application for a new grant, then he undoubtedly did object.

Mr. *Warburton:* The motion did not include any application for a fresh grant.

The *Chancellor of the Exchequer*, under such circumstances, had not the least objection to offer on the mere matter of form.

Mr. *Warburton* did not intend to imply that he might not require a vote after the report of the Commissioners had been made, for when the Danish Commissioners had made their report, it would be referred to the Lords Commissioners of the Treasury to deal with as they might think proper. He felt compelled to bring the matter forward, either by a motion for papers, or for a Committee of inquiry, or by a reference back to the Danish Commissioners, because, in consequence of the directions of the Treasury, they had been prevented from going into several of those claims; and as the original commission was still in existence, he thought it best to refer the subject back to the Commissioners, who had already investigated a portion of those claims, and had only been precluded from entering into the whole in consequence of the limitation put upon their powers by the Treasury. As there were many new Members in that House—indeed, they had been told the other night that there was the large number of 150 who had not been in the previous Parliament—he would briefly narrate the grounds on which he rested the claims of the merchants whose petition had been so lately presented. In the month of August, 1807, England sent a secret expedition to Copenhagen. The town was bombarded; we seized the Danish fleet and naval stores. His Majesty's cruisers were ordered to scour the seas for Danish vessels; many prizes were brought into our ports and merchantmen were seized. The whole value of the property thus taken amounting to 1,397,000*l.* As a matter of course the Danish Government made reprisals, and on the 7th September issued orders for the confiscation of all vessels and cargoes afloat, of all merchandise on shore, and of all book debts, from British to Danish subjects. The hon. Member for Sheffield in the year 1834, presented a petition to the House in which the claims of the British subjects whose property had been thus confiscated were plainly set forth, and the plain statement of the facts made such an impression on the House and the Treasury that Lord Althorpe, who was at that time Chancellor of the Exchequer, said, that it was impossible to resist the claim, and that if the hon. Member would withdraw his motion for a Committee, the Treasury would make a satisfactory arrangement. This referred to the sufferers for losses by the confiscation of the book debts; and in the July of the same year the Government referred their investigation to the Commissioners, and a notice was issued by them requiring parties who had suffered losses to deliver in the particulars of their claims within three months. It was contended that the claims for merchandise seized were in precisely the same situation as those for book debts. The Commissioners reported the doubt upon this point for the opinion of the law officers of the Crown, and four days within the expiration of the first three months another notice was issued stating that the Government would not only entertain claims for the book debts already claimed, but also granted a further three months for the delivery of other claims for book debts or other property. By the Parliamentary returns of 1835 it appeared that the Treasury intended by the words "other claims" to extend the term for merchandise on shore; but at the end of the notice there was a paragraph in which it was stated that this extension was not to be treated as an admission of the right to compensation till the question had been mentioned in Parliament. By this proceeding, however, the sufferers by the confiscation of the book debts were allowed an additional three months, making together six months, but the sufferers by the loss of merchandise on shore had only the three months granted by the last notice. Yet by the admission of the Government, and by the vote of a sum of money by Parliament, the claimants for merchandise had participated in the second vote of 78,000*l.* allowed to the sufferers; and all he would ask of the House was, that the owners of the confiscated merchandise should be placed in the same situation as were the losers by book debts. Why, having admitted them to send in their claims on the sum granted as an indemnity, were they not to be allowed the same terms as the other claimants? Why were they not to have all the advantages of the six months, especially when they considered the greater difficulty of collecting evidence to substantiate the claims for merchandise than there was in proving the loss of book debts? The Danish Government ordered all the book debts to be paid into the public treasury, and a correct register was kept, from which all the necessary evidence was easily supplied; but the direct contrary was the case with respect to the other class of claims. The merchandise was scattered very widely in Altona, Holstein, and Norway, and it was confiscated not only in warehouses, but also *in transitu*, and there was, therefore, very great difficulty in collecting the elements of claim. Why did they not at least extend the same facilities to claims for merchandise as to the other subject of indemnity? These were the arguments of the petitioners whose case he then represented to the House. But was there no precedent for entertaining those claims, and, instead of shortening the period in which they were to be made, ought it not to have been extended? He applauded the Government for the limitation of time in the first instance, because he knew full well how easily papers might be discovered and bad claims made if great time had been allowed; but when they discovered that great injustice had accrued from the course adopted, were they within a reasonable period to act over rigorously? This was the history of the case; he would not enter upon the question of the justice or injustice of the war, but the works of all writers on the law of nations had held that parties situated like these claimants were entitled to relief from this nation. This case was clearly within the doctrine; the seizure of the Danish ships entitled the Government of that country to retaliate, and confiscate the British ships and cargoes afloat and the merchandise of Englishmen. The seizure by England took place before any declaration of war; England was bombarding Copenhagen and fighting against a friendly ally, in order, as it was said, to save the fleet of Denmark from the French; and though the idea of self-preservation might justify the attack, yet it did not take away the right of the British subjects to compensation. The declaration of war was on the 4th November; the seizure by the English Government was in August; and the confiscation by Denmark was on the 7th September. The inter-national law was clear. If an injury were done by one nation to another, the nation injured might seize upon the property of the other, whether it belonged to the state or to the private citizens of the country perpetuating the injury. Vatel laid down this doctrine, and added that compensation ought to be awarded by the state to those subjects on whom the reprisals fell. This he laid down as the general rule for injuries received, whether there was or was not property seized by the other nation; and so if no money had been received from the seizure of Danish property, and if no fund had arisen from it, England was bound to indemnify her citizens for their losses. In the years 1807 and 1808 claims were put in by the sufferers; and what was done with the Danish property seized? It was not treated as droits of the Admiralty. Mr. Perceval then Chancellor of the Exchequer, had stated in that House that the produce of this property was paid into the public treasury, and that this had been done because several merchants had sent in claims for compensation on account of the losses which they had sustained by reason of the extraordinary circumstances under which the war was commenced. Such were the claims of the parties under the law of reprisals. They had put in their claims at the earliest period; the Chancellor of the Exchequer of that day had stated that the produce was not treated as droits of the Admiralty in consequence of that claim; and would that House allow the lapse of time which had taken place to be pleaded against and defeat the parties who were entitled to the indemnity? But another ground might be taken under which to rest these claims. Under the then existing treaties between Denmark and England, if war broke out between the contracting parties, six months' notice was to be given to the citizens of each country to remove themselves and their property. Denmark seized the British book debts and merchandise in direct violation of this stipulation in the treaty. Did this country call upon Denmark to account for this breach? He did not know why this had not been done; but perhaps the circumstances under which the enemy had been laid prostrate, and considering that England had taken the brightest jewel from the crown of Denmark—that she had been despoiled of Norway, England was prevented through very shame from demanding redress; or it might not be convenient to seek reparation, because the whole amount of British property confiscated did not amount to more than 500,000*l.*, whilst, including what was taken at Copenhagen, England did not seize less than three millions from Denmark. But if the Danish government were not called to account, were the sufferers to be, therefore, despoiled of their property without compensation? Why were they not protected by the government? He had only repeated the facts and recapitulated the arguments which had been adduced on former occasions, but he had done so that all the present Members of that House might fully understand the true state of the case. He begged to call the attention of the Chancellor of the Exchequer to one circumstance. All the evidence of the class of cases to which his motion referred was already collected by the parties, and if time were only given them—two or three days was all he would ask—to put in their claims, he would be contented. But it might be inquired whether that was all—(the right hon. Gentleman need not be alarmed lest he should be going to demand a further sum)—all he required was, that the claims of all those persons whose demands were already prepared might be received, or that some measure might be taken to ensure justice to them. The justice of their claims was admitted; and surely the neglect of the claimants in not sending in their demands ought not to operate so seriously against them. He would ask the right hon. Gentleman to consider the motion, and he waited to know any reason which could be given why one class of claimants should be relieved while the demands of another class received no attention.

The *Chancellor of the Exchequer* regretted that the hon. Member who had just resumed his seat had not granted him the indulgence which he had requested, for he feared that not having had an opportunity of inspecting the various documents on the subject, his explanation to the House might not be so full, so clear, or so satisfactory as hon. Members had a right to expect. The case was certainly not a new one, and the House would not consider that it was a party question at all, and if he argued against the motion of the hon. Member for Bridport, he should do so as being connected with the Treasury, and on account of his duty to resist any claims on the public purse which he might not consider to be well-founded. He was a mere individual Member of that House, and whether its Members chose to vote 150,000*l.* for the Danish claims, was a question solely for their consideration, and one in which he, otherwise than as a Member of the Government, was not interested. It was a question relating to the property of British subjects, and it was for the House to consider whether such a case had been made out as would entitle them to make a demand upon the public funds. The hon. Member had drawn rather largely upon the supposition that there were very few Members who were acquainted with the subject and he had taken care to explain to them the nature of the Copenhagen expedition, together with the law of nations and the other points affecting it. But upon those points there was no issue. The hon. Member had dwelt on the circumstances attending the expedition, and had shown that there were some which inflicted great wrongs on some individuals; but, as in all such cases, the injury fell on the wrong-doers. He had proved the deed to be atrocious, no doubt; but what that had to do with the real question, he should take the liberty of inquiring. Now, if there were any young Members in the House, he would put them in possession of two facts which the hon. Member had almost put out of sight. At two different times there had been votes of the House of Commons for the benefit of the claimants; the one for 113,000*l.*, and the other 78,000*l.*, making in all 191,000*l.* It was true that these were not for the same persons; but they were in satisfaction of the results of wrongs committed. If any claimants had been told before these votes were passed that a vote for 200,000*l.* would be granted by the House to meet their demands—demands which, from the year 1807 to the year 1835 had been in abeyance—there was not one who would not have been too glad, too grateful, to have closed with the proposition; but now, having obtained that, they turned round and made a new demand, after one of a precisely similar description had already been discussed. Every party who had a claim was actively employed in bringing it forward from 1807 to 1834, and in 1834, for the first time, they were entertained by the Government, for Lord Stanley said that he was willing to look into them. In that state he had found them, the inquiry still going on. He took the opinion of the law officers of the Crown on the claims which were made, as to whether the Acts on which they proceeded were done against the law of nations, and he was told that the two first, the book-debts, and the property on shore, had been confiscated contrary to the law of nations, and that if the nation allowed its subjects to suffer a wrong, and did not procure a remedy for it, it was in justice liable to satisfy, from its own funds, the injured parties. It was on that ground that he put the grants to Parliament, and on that ground that they were voted. Now, what would be the fair and legitimate construction to be put on the argument of the hon. Mover? That six months were given to the claimants of book-debts, and that three months only having been given to those who required satisfaction for goods seized on shore, to send in their claims, the time for the latter should be doubled. But this was not so, the motion was to extend the time to all classes of claimants, not only those who had already been allowed only three months, nor to those who had had six months, but to those who had had, from the year 1834 to 1837, to prepare the evidence of their demands. He repeated that this was no party question, nor was it one in which he was not bound to act; for otherwise he might have easily got rid of the whole affair, of the motion of the hon. Member, and of the great mass of correspondence which took place on the subject, by saying, "Let it be looked to by the Committee." He was bound to act in his capacity, however; and he would say that more than the amount already voted would be claimed if this motion were to be allowed by the House, and of this fact the hon. Member was aware. [Mr. *Warburton:* Indeed I am not.] The hon. Member said that all the parties were ready to prove their claims, and he therefore had the means of knowing the amount, but yet he would not wait until he could ascertain what it was. Was it meant that the House should vote an address to the Crown, and that there should be no given sum named, and that the House could not afterwards be bound in honour to vote the sum necessary to meet the claims? It was admitted by the hon. Member that false claims might be got up, that claims might be fabricated, if any long time were given for them to be made, and yet he now came forward with such a suggestion as that contained in his motion. If the House of Commons chose to go into these claims, and accede to them, it might, but it would be their act and not his. This case did not apply to Danish claims alone; there were other claims, French claims, and would it not be equally proper that they should be opened, and quite as just that a petition should be presented to the House with respect to them to-morrow? He could only, on sitting down, warn the House of the great inconvenience, of the great peril, which the course suggested would entail upon them. It was not the case of 1834—then there was a distinction drawn and laid down; but the House was now called upon to give their sanction, not to claims the amount of which was specified, but to undefined claims on the subject of which they knew nothing. On this ground it was, that he felt bound to oppose this motion, and he had again to express to the House his regret for the imperfect manner in which he had stated the case, but he repeated that he felt it to be his duty not to consent to an undefined liability being admitted.

Mr. *O'Connell* said, that he thought the deficiency of the right hon. Gentleman did not consist in his being unprepared on the subject, but in the matter which had fallen from him. The facts of the case were clear enough. There had been three kinds of property confiscated, namely book-debts, goods on shore, and goods afloat; in the opinion of the law officers of the Crown the seizure of the two first-named species of property was in violation of the law of nations, while those which were afloat did not come within the same description. There were thus two classes of property, for one of which the right hon. Gentleman the Chancellor of the Exchequer admitted the parties should be indemnified by the Government. The sum which was seized by England was not paid over to the parties whose goods had been taken by Denmark, and who were entitled to the protection of the British nation, in order to obtain redress. So the parties stood until 1834, when their claims were first recognised. Some of them were admitted, and how were the others forfeited? By some delay only, which was brought forward against those who urged them. Thus the British nation, from 1807 to 1834, improperly resisted the claims: they were postponed by the default of the Government; and was it not a very small objection, to say the least of it, now to turn round and say, "We, who represent the British Government, have been guilty of a laches in not attending to your claims until 1834; but you have also been guilty of a laches in not bringing it forward until now, and therefore you have lost your remedy." The notice was first confined to the book debts; it was a notice that the parties might come in, and if they could prove their claims within three months, that they might obtain compensation. Now, was it likely that the claimants would incur the expense of sending messengers to Denmark, and exert themselves in other ways to establish their claims at a considerable cost, under circumstances which made their success a mere speculation? No man in his senses would do so. And what was the consequence? They were turned round on and told that though they had a right, still, because it had slept for twenty-four years, no other delay having occurred than that for which they were not accountable, they should be excluded for ever from establishing their rights. Was that the way in which a British House of Commons would deal with the claimants? Some said that the amount claimed was great, others that it was small. If it was great, he was terrified by the amount of the injustice they were inflicting. That was just the reason why the claim ought to be allowed. A country like this should shrink from permitting a great injustice to be suffered by its subjects. Economy was a good thing, but justice was better. It was well to see the public purse taken care of, but not at the expense of the just claims of individuals. He would say that no case had been made out for refusing to allow these people to come before the Commissioners and prove their claims.

Mr. *Maclean* felt, that, if he refused the claims of these parties, he should be doing an act of injustice. What was the matter of fact? There were certain individuals proving that, by no act of their own, having sustained a severe loss, they had been excluded, by a Treasury minute, from the benefit intended to be conferred on them by a solemn resolution of the House of Commons; for he did not find that it was the intention of the House that the benefit or boon should be conferred on those claimants alone who had lost their book-debts, but that it should be extended to goods that were confiscated on shore. What was the course taken by the Treasury? They gave notice that proof as to the book-debts alone should be received for the space of three months. Subsequently the notice was extended to cases of loss of goods on shore; but the time given was three months only, which rendered it impossible in many cases that the proof could be obtained in time. Suppose any of the parties had gone to the East or West Indies? and he knew of such cases. It would have taken a month or five weeks to carry the notice that the Treasury had conceded so far as to admit the proofs, and it would have taken five or six weeks to return with the proofs. The right hon. Gentleman, the Chancellor of the Exchequer, warned them that if they embarked in that inquiry without knowing the amount which might be claimed, they might be launching on a sea of troubles, which they would find it exceedingly difficult to get well over. He would ask, what was the amount compared with the justice of the case? Whatever the amount, they were pledged by the vote of 1834 that the money should be paid. Lord Althorp then said, "He begged to state that measures should be taken to pay such of the claims as might be found to be just." That engagement was not confined to book debts. The noble Lord began, as did the right hon. Gentleman opposite, by warning the House; but in this case, he said, he felt it to be impossible to resist the justice of the claims. He said his principle was, that if a subject of her Majesty was injured by an act done by a foreign power, contrary to the law of nations, it was the duty of the Government, by war or by negotiation, to obtain redress; but if not, at least to indemnify the party. Did these individuals ask that taxes should be imposed to indemnify them? Certainly not. In this case 1,200,000*l.* had been confiscated for the very purpose of their indemnification. That sum became droits of the Admiralty, it was true; but these claimants had a lien on it. Out of the 1,200,000*l.* received by this country to satisfy these claims, not more than 200,000*l.* had been paid. He was as anxious as the right hon. the Chancellor of the Exchequer that the public interests should be protected, but he thought that they were never better protected than by acceding to the claims of British subjects for justice.

Mr. *Baines* inferred, from the tone in which the right hon. the Chancellor of the Exchequer had spoken, that he did not mean seriously to oppose these claims. If in the year 1834 it was right that these claims should be granted, the claimants ought not to be satisfied now with the mere payment of their debts, inasmuch as the amount of their debts would be doubled if they received common interest on them for the period the payment had been delayed, viz.: thirty years. Surely, then, these parties were entitled to great indulgence. To allow only three months to collect proofs of claims which had slept for so long a period was not, in his opinion, a sufficient time. He hoped that the right hon. Gentleman would not put the House to the necessity of dividing on this motion; but that, with the generosity of disposition which belonged to him, he would acquiesce in it.

Mr. *Wilberforce* said, it was not his intention to occupy much of the time of the House, but he trusted that as a new Member some indulgence would be extended to him when he stated that he rose on the present occasion at the earnest request of his constituents, who begged the House to give effect to the declaration which had been made by Lord Althorp, in his place as Chancellor of the Exchequer, when speaking of the justice of these claims. If it were long since this debt was incurred, the greater the injustice of further deferring it. If the amount claimed was large, the greater was the right which he appeared to advocate. The question was one of principle, and the principle had been settled, and he did not think that the House would yield to the argument of the right hon. the Chancellor of the Exchequer, when he stated that they might find the amount more than they expected, and that the claimants might be glad to compound—to compound with the failing credit of a country like this, and to have taken originally the 200,000*l.*, abandoning all further demand. If he understood rightly, no less than 1,400,000*l.*, derived from the confiscation of Danish property, had gone to swell the droits of the Admiralty, and why a portion of this sum should not be made available for the liquidation of the just claims of the parties now before the House he could not understand. He could not see the distinction between goods seized in the ports and goods seized on land. In conclusion, he earnestly entreated the House to render the claimants justice.

Mr. *Warburton* replied, that the sum which the claimants had received, did not amount to more than 3*s.* in the pound of the sum that had been paid into the public treasury. The right hon. the Chancellor of the Exchequer asked, would they now let the claimants in after a year had elapsed, though only three months were allowed? but the answer to this was, that at the end of the three months the door was closed. All the parties asked, was a single week to prove their case. He understood that the whole of the evidence was here. As regarded the amount, Lord Althorp did not seek to limit it; he stated that he would grant all that was just. What he required of the House was, that they would do in this case what they did in the case of the admission of the book debts.

The *Chancellor of the Exchequer* said, no one individual of the House having sustained him in the effort he had made to resist these claims (and a very painful and disagreeable duty he could assure the House he had found it), he felt that he had no alternative but to propose to the hon. Gentleman, that he should leave the matter in his hands, and he would bring the question before the House after the cases had been investigated. He took the liberty of saying, however, that this must be considered as the proposition of the House, and not his. He objected to it on principle, and if he thought he was likely to be supported in his opposition to it, he would resist it still; but the debate having been proceeded with exclusively on the part of the claimants, no one individual, on either side of the House, this being a matter in which party considerations did not enter, having supported him in the view he had taken, he felt that he should be conforming to what appeared to be the desire of the House, in directing an examination to be instituted, and in engaging to bring the subject hereafter under the consideration of the House. He must again express his hope, that the House would not throw on him any of the responsibility of pursuing this course.

Mr. *Warburton* said, as in the case of Mr. Palmer's motion, the matter was left in the hands of Lord Althorp, then Chancellor of the Exchequer, so he now committed the case to the hands of his right hon. Friend.

Motion agreed to.

HOUSE OF LORDS,

Tuesday, December 5, 1837.

Minutes.] Petitions presented. By the Marquess of Bute, from Renfrewshire, for the extension of the Standing Orders relating to Railroads.—By Lord Lyndhurst, from the Distillers of London, against the Imprisonment for Debt Abolition Bill.

Imprisonment for Debt.] The *Lord Chancellor* rose to move the second reading of the Bill for abolishing imprisonment for debt. He said that he should not occupy much time in calling the attention of noble Lords to the very important subject of the Bill which he had formerly presented to the House. The object of the Bill was, to make a very great alteration in the law, and in a branch of it which, perhaps more than any other, involved the interests of commerce. He did not believe that there were many persons who were not in the situation of either creditor or debtor, unless those in the lowest classes of society; therefore, any proposition affecting such a large proportion of the community demanded the serious attention of the Legislature. He admitted that if the proposed alteration of the law were carried into effect, it would materially alter the relative situation of persons engaged in commerce and manufactures, or on whose dealings with respect to each other the prosperity of the community might be considered, in a great measure, to depend. It was a subject which had for a long time been before the public and under the consideration of Parliament. It had occupied the attention of the other House for several Sessions, and two Bills had been sent up from the other House, having for their object the same purpose as that proposed by the Bill on the table. It was true, however, that these Bills differed in many respects from that he had introduced; they differed as to the extent to which those Bills proposed to carry the measure rather than in the provisions which would be found to form the subject matter of the present Bill. In the Bill which he had had the honour of introducing in 1836 there was a part which he had thought it expedient to omit in the present Bill. It made provision not only for altering the situation of creditor and debtor, as related to the remedies one had against the other, and to the relief to which the debtor was considered entitled; but it also contained provisions which he thought of a very salutary nature, but which it was thought so far encumbered the present Bill that those who prepared it found it far better to leave that part of the subject entirely out of it. He meant that part of former Bills which framed a machinery which enabled parties to make what was called a *cessio bonorum,* that was to make a division of their property equally among their creditors; in short it was to a considerable extent to extend the provisions of the bankrupt laws, at the option of the debtor for the benefit of his creditors. In omitting, therefore, parts of the measure of 1834, 1835, and 1836, he by no means wished to express any opinion against leaving out those provisions from the present Bill; on the contrary, he thought that it was a matter which should be reserved for another and separate measure, and therefore the House would have to consider this measure alone, without its being prejudiced, as the former Bills were, by any additions which did not necessarily belong to it. The object of the present Bill was strictly confined to improving the mode of process and the remedies which the creditor had against a debtor, and of relieving a debtor from some of those hardships to which, as the law now stood, he often was exposed at the suit of his creditor. If the measure he proposed would not, in his opinion, leave the creditor in as good a situation as he now stood, and if he did not entertain the firm conviction that it would improve that situation, he should have hesitated before he took upon himself the task of proposing the Bill. He was convinced, that the remedy the creditor now had was wholly inadequate to that which he was entitled to, and in a state of society in which of necessity credit must be given to a great extent, that the law did not afford to the creditor adequate means of obtaining payment of his just debt. It was, nevertheless, perfectly true that, at the same time, although the creditor had not the means of enforcing or obtaining payment of his just debt, yet that he had the means of oppressing a debtor, and of keeping him in prison when there was no just reason or ground for his exercising this power; in short, the creditor had that power against the person of his debtor which he ought not to have, while he had not that remedy against the property of a debtor which he should have. If the House would listen to him for a short period, he would give a brief outline of the course of proceeding which the law allowed to a creditor for the purpose of compelling payment of a debt due to him, and he thought that they could not fail to see that the law was greatly defective. At present, any person might be arrested and deprived of his liberty, if any other person would make an affidavit that he owed him £20. The other parts of the laws of this country were extremely careful in guarding personal liberty, and every possible precaution was taken to prevent the unnecessary imprisonment of a person. But any person was enabled to arrest another on the mere affidavit of debt, and this power was given him on the assumption that it was necessary to enable the creditor to get his debt paid. He was satisfied that the House would agree with him that all the legitimate objects of the creditor could be obtained without this process. He was sure that the House would not think that a law which put it in the power of one individual to deprive another, whom he chose to call his debtor, of his liberty, at least for a time, was a just and expedient law. It was true, the debtor had the power of obtaining his liberation on putting in bail, a proceeding which was not a matter of great difficulty, if a party had friends ready to come forward and subject themselves to that responsibility: if, however, the debtor was poor, he must go into the market and hire bail. Upon this point their Lordships would find it stated in the report on the subject, that when the debtor went into the market and hired bail, it was found that great inconvenience, expense, and sacrifice of moral feeling resulted from his being compelled to go amongst those who made it their business to procure bail. So far, therefore, it appeared that the power of the creditor was much larger than the House would feel disposed to continue. After the arrest the action proceeded, and, either with or without trial, the creditor obtained his judgment. He was previously armed with the power to arrest upon affidavit of debt, and he had two remedies when judgment was obtained. If he proceeded against the defendant's property he had a very inadequate remedy. If the debtor were possessed of land he had the power of obtaining possession of one half his income. The goods or chattels of the debtor might be obtained towards the payment of his debts through the instrumentality of the sheriff. But, either from the debtor's suspicions being excited, or from his being in a state of insolvency, he might feel it expedient to arrange his property and means of living so as to defeat the object of his creditor. He might have horses, carriages, and other means of living luxuriously, and yet the creditor have no power to take his property. He might be possessed of large funded property, and yet the creditor had no means of touching it. Persons might be indebted in large sums to the debtor, but the creditor had no means of enforcing the payment of them to himself. In short, the creditor might find his debtor to be a rich man, fully able but unwilling to pay, and he had no means of enforcing payment by the seizure of the property, and thus was without adequate means of obtaining redress. The creditor, however, might take another course—he might take the person of the debtor, but if he took the chance of enforcing payment of his debt by the pressure of the person of the debtor he discharged the property. If the debtor preferred suffering imprisonmen tto paying his debts the law afforded the creditor no other remedy. There were now individuals in prison—in one instance, the debtor had been imprisoned for twenty-three years—who were quite able to pay their debts, but were content to remain confined rather than do so. They lived within the rules of the prison, and spent their property in luxury, rather than pay their debts. A creditor might see all this, but he could only say—"I have no remedy against this man's property—I cannot touch it—I can only hold his person." He was only calling the attention of the House to old and acknowledged grievances. The state of the law was formerly such that it induced Parliament to pass Acts from time to time, and ultimately a permanent law, which defeated the remedy against the imprisonment of the person of the debtor—he meant the Insolvent Debtors' Act. After the creditor had gone through an expensive process of law, and had obtained his suit, and had succeeded in getting the person of his debtor, the latter took the benefit of the Insolvent Act. If the debtor should have any estate, and that was very seldom the case, that creditor, instead of deriving advantages from his exertions, found that it was divided among all the creditors, without distinction; and the result of long experience proved that the dividends paid in this court were not very large—that, in short, they were a mere mockery. The creditor, in most instances, actually got nothing. Before they proceeded to apply a remedy it was necessary, in the first place, to see what the disease was, and he was confident that that House, when it knew what the state of the law really was, would not wish to continue it. The grievance on the part of the creditor was the inefficient remedy which the law gave him to obtain payment out of the property of the debtor, and the grievance on the part of the debtor was the harsh, cruel, and vindictive power which the law gave the creditor the liberty of exercising towards the debtor. The present remedy, as he had said before, was execution against the debtor's property, or arrest of his person upon *mesne* process. In reference to execution after judgment, though the Insolvent Debtors' Act was passed from feelings of compassion; yet it was deemed necessary to give unfortunate debtors relief who were lying in prison without the means of paying their creditors, and who otherwise would probably have to continue there for the remainder of their lives. It appeared to Parliament in consequence of the cruelty that might be thus exercised, that it was absolutely necessary that some alteration should be made in the law. Execution, therefore, to a certain extent in this respect ceased in a great measure to be operative at all. As the law now stood, however, the debtor could not take the benefit of the Insolvent Debtors' Act without being imprisoned upon an average for eight weeks. He, therefore, could not get relief under this Act without being taken from his trade or occupation for this period, giving up any situation that he might hold, and sustaining all the loss of credit and character which belonged to a person who was to be found in prison for the non-payment of his debts. Then, again, although the law provided a remedy for the creditor, yet it gave that remedy only in terms that were extremely hard, and in many cases absolutely useless. What benefit could result from imprisoning a debtor, provided the latter gave up his property to his creditors? If he was of any occupation he was obliged to abandon it, and by being kept in prison he was deprived of the means of supporting himself or family. Even the very means that he might have of paying his creditors might thus be taken from him. Undoubtedly at the end of two months' imprisonment he would be much less able to pay his creditors than when he was first arrested. In what situation would a party stand against whom a writ of execution was obtained in regard to his debts? He might not have the means of paying all his creditors, but he might have means of paying a portion of his debts. If this party had property, the Legislature could, without the intervention of the Insolvent Debtors' Act, devise means whereby a direct remedy could be obtained; for what possible reason could they give to the creditor the right of taking in execution the person of his debtor, the object only being, by pressure, to compel the debtor to give up the property he possessed? On the other hand, if the unfortunate debtor was possessed of no property, and had no means of paying, what could be more harsh, more cruel, or more unnecessary than to allow the creditor to send such a person to prison? A middle case, however, might arise—a debtor might have no property, but he might have some friends or relatives who, in order to prevent him undergoing imprisonment, or passing through the ordeal of the Insolvent Court, would afford him the means of paying his creditor. Did the House think that that was a course of law that they ought to encourage? What reason could there be for allowing a creditor, by pressure upon a debtor, to induce the friends of the debtor to come forward to pay a sum of money into the pocket of the creditor? Supposing a man had property enough to pay 10*s*. in the pound, and a creditor obtained execution against him, and threw him into prison, and kept him there either till the Insolvent Debtors' Court discharged him, or until he paid that particular debt, that creditor would be paid by a sum which should be divided among all the creditors. It appeared to him that the only three cases that could exist of a debtor being taken into execution were productive of unmixed evil. Then, again, if their Lordships should be of opinion that there ought to be no imprisonment for debt, it was to be apprehended that they had made up their minds there ought to be no arrest for debt. It had been said there ought to be arrest for debt at a certain amount, but no execution for debt, and he (the Lord Chancellor) had heard persons say, that it was extremely expedient in many cases to arrest for debt, because, upon arresting, they very often got paid. He did not believe this was an uncommon opinion among tradesmen who did not look to the legal effect of the proceedings, but only for their own purposes. But if their Lordships should think there ought to be no execution on the arrest, was it possible they could be prepared to sanction this arrest? For what purpose was the arrest? It was only that the individual might thereby be made subject to the law by having execution go against him upon the arrest. Their Lordships could not possibly maintain the law of arrest on mesne process, if, immediately upon a man being arrested, he was to be again discharged. From the result of all the inquiries upon the subject it appeared that the greater proportion of arrests were made for debts under 50*l.* This necessarily produced the greatest possible injustice. The power of arresting did not exist in a court of equity unless under one form of process. He had practised all his life in a court of equity, and therefore could speak with confidence on the subject. In the courts of equity the amount of money involved was most enormous: indeed more property was adjudicated upon in a court of equity in one month than in a year in a court of common law. As he had said before, there was no arrest in equity unless in one case and the writ empowering it was granted at the discretion of the judge. It was the writ of *ne exeat regno.* In this case affidavits were made and filed, and, provided after examination the case was made out to the satisfaction of the judge, the writ was issued, and the person against whom it was directed could not leave the country. No judge that ever sat in a court of equity had not felt that this power should be exercised with the greatest caution. It was said by Lord Eldon, who so long presided in the Court of Chancery, that there was no part of the duty of a judge which he exercised with more fear and trembling than issuing this writ. In a court of justice, however, any man who made an affidavit to the amount of 20*l.*, could stop a person who was engaged in the most important business, and when his absence in the country or abroad might be of essential consequence. On one side, therefore, a person might by a simple affidavit of debt to the amount of 20*l.* arrest a person, while, on the other, care was taken that imprisonment for debt should not take place without the exercise of the greatest caution. Why was it that such laxity should exist as regarded the liberty of the person in suits for debt in a court of common law, while it was necessary to use such caution in a court of equity? When he recollected the enormous amount of property involved in proceedings of equity, he should have thought that it would be more essential that this power should exist than in a court of common law. If any man came down to that House and asked for a Bill for this purpose he was sure, that the application would not be attended to. He would now proceed to state the remedies now proposed to be applied. In the first place, the question was, in what manner was the creditor to obtain payment of his debt? The debtor might be possessed of real estate. The law said, that the creditor might take a moiety of the income of that estate. But why only a half? Why was the creditor only to get the moiety when he was entitled to the whole for the payment of his debt? He thought that it would be difficult to show why such remedy should be confined to goods and chattels, and not be extended to every description of property. In the first Bill which came up on this subject it had been proposed that there should be a forced sale of the land by the sheriff; but as that would be found to produce very little for the creditor, the present measure provided that, after judgment, the creditor should have an equitable lien on the land, which he might work out, as if he had obtained it by the act of the debtor, so that the interest of the debtor might be ascertained, and the estate be fairly brought to sale. Again, with regard to the stock of a debtor; it might be his own or not, or it might be standing in the names of trustees for the debtor; then if it were the property of the debtor it was of course desirable that it should be made available for the payment of his debts, and the alteration proposed in that respect was, not to make the creditor the owner of the stock, for the purpose of selling it, but to give him a lien on the stock until a sale could be properly worked out. The same observation did not apply to such securities as promissory notes or bills of exchange, because on the face of them little doubt could exist as to the person in whom the property was vested, and because no danger could result from a Judge putting a sheriff in possession of such securities. The object of these provisions was to prevent the effects of forced sales by the sheriff. There was still another description of property—goods in the hands of an agent for sale. The old Bill proposed to give the Judge a power to impose a lien upon this kind of property. It was apprehended that this provision would give rise to much inconvenience, and that it would never do for a merchant to be withheld from selling a hogshead of sugar until he had proceeded for judgment against the owners of it. There was another part of the measure to which he would direct their Lordships' attention, though it would not alter the rights of parties in any respect—he meant the clause which provided that goods of which a debtor was the reputed owner, supposing him to be subject to the bankruptcy laws, should be subject to the debts of the so reputed owner. A man might appear to be possessed of goods, and yet, when it was sought to attach to them any liability for a debt, he might say that they were not his, and thus avoid the payment. He confessed he could see upon principle no reason why reputed property ought not to be liable to execution creditors. There was another provision in the Bill which would become necessary in the event of the abolition of the imprisonment for debt. Their Lordships were aware that the fact of a man remaining in prison a certain length of time was considered to be an act of bankruptcy. If they took away this proof of insolvency they must make some equally good proof of the inability of the trader to pay. This Act therefore provided that after a demand had been made and no security given for the payment of the debt, that must be considered an act of bankruptcy. Of course, the fact of a refusal to give security must be on oath. These provisions would give material assistance to the execution creditors, and for all legitimate purposes creditors would be in a better condition to work out the payment of their debts than they now were. On the other hand, the debtor would be protected from the pressure which was improperly used towards him heretofore, and from the operation of those motives of revenge which frequently influenced the creditor under the existing law. If a debtor were about to leave the country, to abscond from his creditors, it would then become essentially necessary that the creditor should have the power of arresting the property. If at present the creditor could arrest the person he would give bail, and his friends would be responsible for his appearance; but when the creditor learnt that the debtor was about to abscond he would, if he lived at a distance from London, have to send up to town for a writ, and to wait the return, by which time his debtor might have vanished; while, on the other hand, if he did not arrest at the commencement of the suit, he would have no opportunity of doing so afterwards. Again, the occasion might not arise till the middle of the suit; for the debtor might remain in his usual place of residence so long as he deemed it safe—he might not even form the intention of absconding until the matter became pressing. To meet cases of that nature, therefore, it was proposed by the present measure that the creditor, upon making affidavit of the debt, and also of the intention of the debtor to abscond before a justice of the peace, should have the power to arrest the person of such debtor; and he submitted that that was a much better and much more expeditious process than even the writ of *ne exeat* in the Court of Chancery. Thus the Bill provided a remedy in the only case in which it could be at all requisite, viz., that of the intended escape of the debtor. If, then, the double purpose were answered—that of giving security to the creditor and of preventing the exercise of powers which might be injurious to the debtor without serving the interests of the creditor—he thought the measure was entitled to the approbation of their Lordships; but there was also a further provision, which he considered was a salutary one, and to which he did not apprehend their Lordships would hesitate to give their assent. After judgment—(and this machinery was established to meet various cases in which, after all the care that might be taken, the creditor, although he knew the debtor possessed property, found it still impossible to reach it)—this provided that the debtor might be called on to produce a schedule of his property, and be examined before an officer in London, or before commissioners in the country, as to the amount of the property he possessed; in short, such an examination would take place as would put the creditor in possession of information as to the property of the debtor, so that it could be produced to meet the debt. No doubt it would be useless to make such a provision without at the same time investing the proper officers with power to enforce it, and to compel answers by commitment. Thus could the property of a fraudulent debtor be in many instances reached. The House, he presumed, would recollect that this was no new provision; that under the Lords' Act a similar provision existed, but then it was limited to debts under 300*l.*, while he proposed to make it unlimited, for he saw no reason why a man who owed 3,000*l.* should enjoy immunities which were denied to the smaller debtor for 300*l.* As regarded this part of the Bill, debtors and creditors were the only parties concerned; it would clearly be a benefit to creditors; debtors had no right to object, and for this simple reason, that they ought not to refuse submitting themselves to an examination; that they ought not to refuse to furnish a description and statement of their property; they were not entitled to set their creditors at defiance, and refuse information, as the law at present allowed them to do. He was not aware that it was necessary he should enter into any further particulars. The general scheme of the Bill was to render property available for the benefit of creditors. He was aware it had been said of this measure that it was not popular. He was sure that it would be unpopular with those creditors only who did not understand its provisions. It was quite necessary that creditors should be deprived of the power of making an unjust use of the law, and it was equally necessary that the debtor should be protected. There remained but one topic which it was requisite that he should notice, and that was, privilege of Parliament. With respect to it, he should say, that he saw no reason why those enjoying that privilege should be placed in a worse situation than before. They had the privilege, not for their own advantage, but for that of the public; and certainly he did not propose to make any change that should deprive them of it. He was sure it would not be thought that he addressed these observations to their Lordships from supposing that their individual feelings would be affected by it; but he repeated, that a privilege which they possessed for the purpose of enabling them to attend to their public duties should remain unchanged. Besides the alterations which he mentioned, he had others to propose, with which he should not then trouble the House, but which he should take the liberty of submitting, if they allowed the Bill to go into Committee; he trusted that they would, and that the Bill would pass into a law, for he believed it calculated to produce the most beneficial results.

Lord *Lyndhurst* said, that he agreed with his noble and learned Friend in the greater part of those observations which he made at the outset of his address, especially those remarks of his which went to show the great importance of the proposed measure, the great difficulty which attended any egislation on the subject, and therefore the careful and anxious attention which it demanded at their Lordships' hands. It was so considered by the Common Law Commissioners, for in their report they pointedly noticed the various sources of embarrassment by which the subject was surrounded. Without, therefore, detaining their Lordships with any attempt further to impress upon their minds either the arduous nature of the undertaking in which they were engaged, or the scrupulous examination respecting it which they were bound to institute, he should enter at once upon the question itself: but before he proceeded to its details he should make a remark or two on the principle and progress of the measure both in that and the other House of Parliament. When his noble and learned Friend opposite (Lord Brougham) held the great seal, he directed the attention of the Common Law Commissioners to the question, and those Commissioners, as their Lordships were aware, had made a report, whence it appeared that on the question of imprisonment for debt they were not agreed; certainly the majority were for the abolition of that practice; but a very learned member of that commission (Mr. Serjeant Stephen) differed from his brother commissioners, and stated very fully and very ably the grounds of that difference. Now, he earnestly exhorted their Lordships, before they came to any final decision on the question, carefully and deliberately to consider the arguments urged by that learned Gentleman on the proposed abolition of imprisonment for debt. It was necessary now that he should call the attention of the House to some of the facts connected with the introduction of the bill. It was in the Session of 1835 that his Majesty's Attorney-General obtained leave to bring in his first bill. As late in that Session as the 17th of August the bill passed the House of Commons, and was sent up to their Lordships. When it came before them, every one agreed that they could not then enter with any advantage into the consideration of the measure; even his noble and learned Friend opposite himself did not say that the question could then be satisfactorily disposed of by the House of Lords, but on the contrary, that the course which the House then took with regard to that bill was the only course open to them. In the following Session nothing was done till some questions were put on the subject to Lord John Russell, and when that noble Lord was distinctly required to inform the House what was intended to be done, the reply was, that his noble and learned Friend on the woolsack had been anxiously directing his attention to the subject, and that very speedily a bill was to be introduced for the purpose of abolishing imprisonment for debt. It was introduced, but the second reading of that bill did not take place until the 11th of July. Their Lordships would probably recollect, that the measure, when it then came to be considered, underwent material change, and he was bound to say, that of some of the alterations then made he fully approved; and he begged to add, that what took place on that occasion very strikingly showed the advantage of deliberation and consideration. On the 1st of July the bill came before them; his noble and learned Friend was then absent in consequence of indisposition; several noble Lords had left town; his noble and learned Friend the Chief Baron of the Court of Exchequer, and another noble and learned Friend of his, the Chief Justice of the Court of Queen's Bench, were both on circuit. A noble Duke, then near him, together with a large proportion of their Lordships, were of opinion that the House could not, with any advantage to the public, consider such a question, and it was therefore postponed. The next bill was brought in by the Attorney-General, and it was not a little remarkable that the learned Gentleman abandoned as many as 150 clauses of the original measure. On the 6th of February this new bill was introduced into the House of Commons; the stages of it were postponed from day to day, and it did not get into Committee till the 6th of April. A bill so important—a bill in the support of which so much eloquence was expended—had been allowed to slumber till the close of the month of June, a period of three months, when just on the eve of a prorogation, the Attorney-General moved the recommittal, and it was with the utmost haste read a third time, and sent up to the House of Lords. Such a proceeding could not be regarded otherwise than as a mockery. Their Lordships felt that the bill could not then be fairly or fully considered, and it was, as a matter of necessity, postponed. From the dates to which he had called their attention, and from the circumstances which it had become his duty to state, every one must see that the most beneficial results had followed from the course which the House of Lords had adopted. His noble and learned Friend on the woolsack had told the House that the present was not a very popular measure. In that statement he might be perfectly right. For his part, he did not profess to say that he possessed any extraordinary means of judging whether the bill was popular or otherwise. Present and temporary popularity on a question of that nature was a consideration which should not in the least influence him. The measure, if wise and proper under the circumstances, could not fail ultimately to become popular; but he would on the present occasion take the liberty of suggesting, that the opinions and feelings of the people ought to have some weight on a question that from its peculiar nature must be one with which they had a practical familiarity, and of which they must therefore possess a much clearer and more exact knowledge than of the great mass of subjects which engaged the attention of Parliament. He did not say that he had any means of knowing what might be the degree of popularity which the bill enjoyed; but, judging from the petitions, he should agree with his noble and learned Friend on the woolsack that the bill was very unpopular. In the first place, the number of petitions against it greatly exceeded those in its favour, but that was not enough; the number of persons by whom those petitions in favour of the bill were signed vastly fell short of those who were against it. If strictly reckoned, there would be found ten to one against the bill. Let it also be recollected that no trifling portion of those petitions originated at public meetings where the chairman signed on behalf of the meeting, so that if the signatures of chairmen were only taken as expressing the opinion of individuals, it would be an estimate much more favourable to the bill than it was entitled to, yet still, counting those who presided at public meetings only as individuals, the number of petitions in favour of the bill were only as one to ten compared with those who had petitioned against it. He could not help observing, that with respect to the present bill there had been no little mystification. They were told that the purpose and effect of the measure would not be to abolish imprisonment for debt, and its main object was represented to be that of giving additional security to creditors. *Ex concessis,* imprisonment for debt was not to cease unless the creditor received additional security—at least that that class of creditors who were mainly interested in the question of imprisonment for debt should by the bill be put in a better situation than they were before. He had been in communication with several of those individuals who felt anxious on the subject—men quite alive to their own interest, exceedingly astute, full of intelligence and of practical knowledge. Most certainly their view of the bill was, that the machinery for giving additional security to creditors was mere rubbish; they did not care for any one of the advantages which the bill professed to confer—it was not what they wanted. In the first place, the advocates of the bill told the House and the parties interested, that it would give increased power to the creditor over the lands of the debtor. To that he should feel no objection, but it was for their Lordships to consider whether the class of creditors affected by the abolition of imprisonment were those who could derive any advantage from increased power over the whole of a debtor's lands. His noble and learned Friend on the woolsack had correctly stated that the great majority of those debtors sent to prison were men who owed sums under 50*l.* Now he desired to ask, if persons who went to gaol for such sums were likely to be possessed of interest in land that came within the description of freehold, copyhold, or customary tenures? The persons arrested were generally men who owed very small sums; what could such a provision as the bill contained have to do with them? A debtor might most truly say that the effect of the bill would be to enable him to defeat some of his creditors, and to favour others, and that by its means he could alienate his lands. His noble and learned Friend would, perhaps, tell them that the bill would prevent that. He believed it would be no difficult matter to show that the bill would have the effect of cheapening the exercise of the power to which he now referred. The debtor, if he found his creditor proceeding against him, could say, "I will create charges upon my estate; I will alienate, and though you should issue a writ of *capias ad satisfaciendum,* I can still defeat you, and I give you notice that I will." The fact was, that the bill did not apply to the subject matter, and that it professed or attempted to deal with things which it could not reach. It professed, or seemed to undertake to give the creditor power over the money, bills, and bonds, of the debtor. What could be more moveable than the money, bills, or bonds in the possession of a fraudulent debtor? It was perfectly ludicrous to suppose that an Act of Parliament could reach property of that nature. Surely, there were no assets of that description which a creditor could not endorse the day before judgment was entered up against him. Then came stock in funds. Under the existing law, a man possessing property of this nature, who did not wish to pay his debts, might go to prison and live upon the income of his stock. His learned Friend had said he would put an end to all that by making stock seizable. There was one of the additional securities. Now, in the first place, debtors to the amount of 30*l.* being that class of debtors who, as allowed by the noble and learned Lord, was the most liable to arrest, were not very often stockholders. So much for the security on that part of the subject. But what might debtors holding property of this kind do under this bill? Why, if it should pass into law in its present form, all they would have to do in case they chose to act fraudulently would be to sell out their stock, and invest it in foreign securities. They could quit the capital of London, live on the income of their securities in a princely manner on the continent, and set their creditors at defiance. Thus, instead of, under the present law, exchanging the comforts of a mansion in Grosvenor or some other square, and the luxury of a carriage and horses, for the dull confinement of the King's Bench Prison, the debtor by this bill, had only to change the nature of his stock, and transfer his establishment to the other side of the Channel. He really did not understand the provisions of this bill; it appeared to him a mere mockery. There was another point to which the noble and learned Lord had alluded. A plaintiff in an action might become a substitute for the defendant, and act as if he were the real plaintiff, by suing in his own name for debts due to the defendant. According to the seventh clause, debts due to judgment debtors were to be vested in the creditor by order of the judge. But suppose the original plaintiff averse from that course of proceeding, and that the defendant in the action succeeded; the defendant would undoubtedly look to the substitute plaintiff for his costs. What creditor would become substitute plaintiff in suits for the recovery of debts due to the defendant, if he were liable to be saddled with the costs? He asked their Lordships, was it not absurd to suppose that the plaintiff would undertake to conduct suits without knowing whether they were likely to lead to a prosperous issue, and in case they failed be called on to pay the costs? These were the principal benefits to be produced by the bill, upon which his noble and learned Friend relied to induce their Lordships to agree to it, if in the operation of this bill the interests, as was proposed, in the personal property of the judgment debtor should be charged, by order of the judge, with the payment of the amount for which judgment should be obtained, no one in London would venture to purchase a bale of goods without first searching every judge's chamber to see whether there might exist against it any such charge or order. Were they then to be called on to pass a bill of this kind, a bill containing so many imperfections and defects that he should only wear out their Lordships' patience in attempting to go through them all? Every part of it seemed defective. There was, however, another singular feature in it which he could not pass by without noticing. It would seem as if the persons who had framed this bill were not aware that defendants sometimes obtained judgments against plaintiffs. According to the present law, if the defendant succeeded in an action, he could put the plaintiff in prison for his costs; and in such a case how was he to be liberated? The remedies contained in this bill did not apply to him. He was left out of the second, out of the sixth, the seventh, eighth, and nine clauses, as if the defendant never in any instance obtained judgment. How it happened that a bill drawn by the Attorney-General, and introduced by his noble and learned Friend on the woolsack, could contain so many and such imperfections he could not conceive. Whether this one might have occurred through a slip, or been made upon the presumption that plaintiffs were always right, and defendants always wrong, he could not say, but there it was on the face of the bill. His noble and learned Friend had alluded to the power of seizing securities. Suppose a judgment creditor lucky enough to get hold of those securities and recover money on them, how was he to act according to the provisions of this bill? He was to pay himself first, and then hand the difference to the defendant in the original action. Here again the bill proceeded on a presumption similar to the last—viz., that the plaintiff was always rich and right, and the defendant always poor and wrong. The bill empowered the plaintiff to seize securities, and bring actions for the recovery of the sums due on some, and in case he succeeded, to pay himself, and then if there were a surplus, to hand it to the unfortunate creditor; but suppose this man, the judgment creditor, to be in need of money for his own purposes, to be pressed perhaps by some of his own creditors, and to allocate that surplus or part of it to his own use, what remedy had the defendant in the original suit? So very unjust and unequal was the bill in this respect, that it appeared extraordinary to him how these things could have escaped the observation of the learned persons who had framed and introduced it. So much for its defects. Then as to the mode of getting evidence. If a person obtained judgment against another, and the defendant did not satisfy such judgment within ten days after it had been entered up, the attorney might call on him to deliver up within fourteen days a schedule containing a full and perfect account of all his property, whatever its description. If he happened to be a man of large estate, involved in his affairs, whether on these estates there were charges and incumbrances, whether his effects were in possession, reversion, remainder, or expectancy; whether his property were personal or real, the particulars of all, together with the names and residences of his debtors, and those of the witnesses who were to prove the debts, were to be formed into a schedule and delivered up. If moreover the defendant did not do so to the satisfaction of the attorney, he might be summoned before the commissioners, and if the commissioners were not satisfied with his answers they might send him to prison. If one of their Lordships should have the misfortune to be summoned before the commissioners under such circumstances, and those commissioners did not like the noble Lord's answers, or the mode of giving them, they could immediately send him to prison. But mark the dates: judgment might be obtained at the commencement of the long vacation. The time for making those disclosures was not to be extended beyond six weeks. In case the party were consigned to a prison, a considerable time might elapse before an application for a new trial could be made, and supposing at the ensuing term a new trial to be obtained, and the opinion of the jury to be that the original verdict was a most scandalous one, they had in the mean time a disclosure of the affairs of this unhappy person. He must say there had been little caution observed in framing this clause. But similar powers were given to the commissioners of bankruptcy. He had had some experience in that respect, and could bear testimony to the great and heavy expense attending examinations in cases of bankruptcy. Who were to pay the expenses of them under this bill? There was no provision made for them in it. There was a similar power in the Insolvent Debtors' Court, by means of which a creditor got into his possession the whole property of the debtor, and his noble and learned Friend had said that the result was also similar. The average return from these examinations before the commissioners of bankruptcy was only 1½*d.* in the pound. That was another oversight. By the Insolvent Debtors' Act, if the party seeking the benefit of it committed a fraud, or had done that which was not consistent with justice, the commissioners could remand him; and persons were remanded for three, six, nine, and sometimes twelve months, on account of frauds proved against them. By the operation of this bill, all those persons were to be immediately liberated. Was that the intention of the framers of the bill? Whether it were or no, such would be undoubtedly the operation of the bill. His noble and learned Friend had directed their attention to another power in the bill, meant to be given for the arrest of debtors about to abscond, which he said was analogous to a power at present existing in courts of equity. Now, Lord Eldon had stated, and he thought with great correctness, that it was very difficult to exercise that power with proper care and discretion. Certainly no person had been more careful or vigilant in the exercise of it than that noble Lord; but here inquiry was necessary. By this bill, however, the party had only to make an affidavit that the defendant was about to leave the kingdom; he was not even bound to state his reasons for thinking so. There was no inquiry by the Court of Chancery, or by any court, judge, or other tribunal. It depended entirely upon the assertion of the party. He had gone through these details, painful as it had been to him, for the purpose of leading their Lordships to this conclusion—that the opinion entered into by the great body of this metropolis was, that these "additional securities", as far as they were concerned, were of no value. They did not care about them; and if the argument was, that by reason of those additional securities arrests for debt were rendered unnecessary, and if at the same time those things called additional securities should turn out not to be additional securities, the whole case fell to the ground. He was not at all disposed to say he was of opinion that the true way to consider the subject was by going through the classes. The question was, should arrest for debt continue or not? Without expressing his opinion one way or the other on that point at present, he would say he had no objection to the second reading of the Bill. When he spoke of his opinion, he did not mean to say he had formed a decided opinion on the subject. What struck his mind was, that there should be further inquiry and investigation. He felt that further inquiry was absolutely necessary with reference particularly to the complicate clauses to which he had alluded. It was not there they could be discussed with advantage, but in another place, and in another form. He was anxious, without committing himself to any opinion, to express himself respecting that part of the subject upon which all seemed desirous of doing justice—namely, of giving greater security to the creditor on the one hand, without, on the other, being unnecessarily harsh or severe towards the debtor. His noble and learned Friend had divided this subject into two parts — arrest before, and arrest after judgment. They were certainly open to different considerations. Arrest before judgment was entirely an *ex parte* proceeding. The plaintiff, without being obliged to go before any tribunal, or procure the authority of a judge, could, upon the affidavit of his clerk that he (the clerk) believed the defendant to be indebted to his master in a certain amount, have the defendant arrested and sent to prison. Nothing could be more harsh than that: but what made it peculiarly harsh was, that although the defendant should have the clearest case possible, he was not permitted to show it for the purpose of preventing the arrest or of procuring his discharge from custody. The plaintiff, consequently, had the game entirely in his own hands, and certainly nothing could be more harsh than that, at least at the first view of it. But then it was said that this power was justifiable. He did not assent to that doctrine. They should not confer a power capable of being, or liable to be, abused, unless in cases of extreme necessity. The question was, whether such necessity existed in this case, and, how did it appear that this power had been abused? He did not mean to say that it had been abused by respectable tradesmen or solicitors, but still it had been abused. The common law commissioners had stated in their report instances of abuse of the most grievous and oppressive kind which had occurred in the inferior walks of life; and when they found persons of that class possessing such a power over those who were at their mercy, he would ask whether it were not and would not be made use of for the purpose of extorting more than was due, for the purposes sometimes of vexation and sometimes of vengeance? A multitude of instances might occur, and no doubt had occurred, without being made public; and unless it could be shown that these powers were absolutely necessary, they ought not to be granted. There was not a commercial country in Europe in which this power existed except in England It did not exist in Scotland—at least not to the same extent. It did not exist in the low Countries, in the commercial towns of Holland. It did not exist in France, except under peculiar circumstances, and even then modified to a certain extent. It did not appear to him, then, that there was any great necessity for it. Still he was ready to admit, that when the business of a country had been for a long period carried on under one particular system, and when creditors had built and acted upon that system, the question whether or not the powers should be suddenly abrogated deserved and demanded their utmost attention and consideration. He did not mean to say, that they should not be abrogated, but that the question required great consideration. Many persons had given credit upon the foundation of this power, to whom, if it were removed without substituting an equivalent, they would be doing an injustice. On the other hand, he should state the advantages arising from the existence of this power. There was no doubt that it had an advantageous effect in rendering persons cautious of incurring debts. He did not mean to say it had that effect upon men of all characters and turns of mind, but with the public at large it certainly acted as a restraint, and rendered them more cautious than they otherwise would be of running in debt. Again, let them see how it operated beneficially as regarded the tradesman. If a man could pay his debts or had it in his power to procure the payment of them, but delayed doing so, this power could be made available, but still without this power they might be paid. It was useful then to accelerate payment; it was a convenient and easy mode of compelling prompt payment from those who had the means of payment, and would avoid or postpone it. But with respect to those who had not the means of payment or could not procure payment, it was altogether useless, for the moment a process was issued against a debtor so circumstanced he either absconded or took the benefit of the Insolvent Act. This power, then, formed a security, a beneficial security to the tradesman, inasmuch as it enabled him to obtain payment without going through all the details of a court of justice, from those persons who were either capable of paying, or of procuring means to pay. His present impression was, that this power required some way or other to be modified. But they should give to it the deepest consideration, the most minute inquiry, and ought not by any means suddenly to alter or abrogate it. Arrest after judgment had been obtained was different. In that case the question had been heard and decided, and the amount ascertained by a competent tribunal. As he had referred to the law of foreign countries in the first case, he would say respesting this, that there was not a country in Europe in which the power of arrest for debt after judgment did not exist; but then let them see how it worked, and whether there was any great objection to it. If a party had visible property, a writ was never issued and for most obvious reasons. After taking the person of the debtor you cannot take his goods, and therefore wherever there was tangible property it was seized in preference to the person. But in cases where there was property not visible, then this power of arrest was of great consequence, because it compelled the defendant to disclose it, or remain in prison; but if this Bill passed into a law, stating, as it did, that a debtor should not be arrested after judgment, what would happen? Why, the defendant would be quite at his ease. He might say to the creditor, "Find my property if you can; I shall not assist you; on the contrary, I shall throw every obstacle I can in your way to prevent your arriving at a knowledge of its nature or locality." Therefore, he said it was of the greatest importance that the exercise of this power after judgment should be retained. What he proposed to do was, and those whom he had consulted were of the same opinion, to allow the Bill to be read a second time; and, with a view to give every possible consideration to a measure so important in principle, so extensive in its operation, and of so much interest to the trading community at large, to let it go before a Select Committee of their Lordships' House. Those complicated clauses which his noble and learned Friend had referred to, would there receive that consideration which he was sure their Lordships would at once acknowledge to be necessary. The difference of opinions amongst the Commissioners upon the general principle of the Bill was another reason for their referring it to a Committee; and here he would request such of their Lordships as might not have perused the opinions of that able and discreet lawyer, Mr. Serjeant Stephen, to do so, if only in justice to that Gentleman. There had been as yet no Committee of that House on this Bill. A Committee of the House of Commons had sat upon it; and, considering the nature and importance of the subject, ought not their Lordships to inquire for themselves? If it went to a Select Committee of the other House, why not go to one of that House, particularly as they had means of inquiry much superior to those possessed by the House of Commons? He begged their Lordships' pardon for having trespassed so long upon their attention. In conclusion he would say, that he did not at all consider this a party question. He was desirous simply of adopting what should appear to him, according to the best of his judgment, and after bestowing on the subject his most careful attention, the wisest course. He wished to get rid of every thing arbitrary. Certainly if they could do that, they were bound to do it. If, at the same time, in providing security for the creditor, they found that the law should be slightly tinctured with severity, why they must only submit to that necessity. If they could make an adequate substitute for the power of arrest, let them do so and abolish it. That, however, was a point requiring more time for consideration than that House could bestow on it. It was not clause by clause alone they should consider, but after having considered them separately, to consider them in reference one to another, and then again with reference to the general principle of the Bill, and the evils of arrest. He would move, that after the Bill were read a second time, it should be referred to a Select Committee.

Lord *Brougham* spoke as follows:* Whatever diversity of sentiment may prevail among us on the merits of this question, there can be but one opinion; and that a most favourable one, of the fairness and candour with which my noble and learned Friend (Lord Lyndhurst) has entered upon the discussion of the whole subject. I sincerely hope, and I feel assured your Lordships will join me in this hope, that so important a measure may in all the stages through which it is fated to pass, both here and elsewhere, both within the walls of Parliament and without, be treated with the same calmness, the same absence of party and personal feeling which has marked the speech of the noble Baron. I differ with him certainly respecting the course we ought to take in considering this Bill. It is not correct to represent the House or the country as taken by surprise. The measure is not now for the first or even the second time offered to your Lordships; nor will the community be subjected by its adoption to a change all of a sudden brought about, as my noble Friend would describe it, in the laws upon the faith of which they had been conducting their most important concerns. The question has been before the country, and indeed before Parliament, for the last five or six years. It is nearly ten years since the general principles upon which the Bill has been framed were discussed by me in the other

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House of Parliament. It is near seven years since the Common Law Commissioners thoroughly investigated the subject, and examined some hundreds of witnesses, taken both from the trading part of the community and from the legal profession. It is between five and six years since their elaborate Report was laid before both Houses; and upon that Report a Bill was framed with their assistance, which passed the Commons two several times, after full discussion in a Select Committee, and was in a third Session introduced here, but postponed as having been presented too late to be fully considered. In these circumstances I do not see any necessity for the further delay attending so tedious a proceeding as a reference to a Committee above stairs. But even if I agreed with my noble Friend, and had arrived with him at the conclusion that we are not in a condition to legislate upon the question without further inquiry, I should still be disposed to offer a few observations upon his arguments; because, although in some of his views I entirely coincide, yet differing upon others, I do not think it would be just towards the merits of this important measure that the impression which his remarks upon it are calculated to make, should remain unaltered before the Committee finished its labours. First, I will avow that I entirely agree with my noble Friend in holding the popularity or unpopularity of any proposed legislative change to be nothing like a criterion whereby we may safely judge of its claims to support. That it is most fit to consider and respectfully to weigh the opinions of the country upon any measure touching its interests; that the estimate ought to be taken into account which is formed by any portion of the community respecting a plan affecting its particular relations with the rest of society, no one can doubt. But we should be oftentimes greatly misled were we to be guided entirely by the impressions generally prevailing among bodies of men respecting the probable bearing of an untried measure, even upon their own particular interests. It may be safe enough to trust them upon the effects of any policy already tried; or upon the tendency of any plan proposed, where the merits of the case are simple, lie within a narrow compass, and the question is neither calculated to excite alarm nor obscured by opposing considerations. But when my noble Friend asserts that the trading part of the community are generally adverse to the abolition of arrest for debt, and apprehensive of injury from it to their concerns, I would recal to his recollection a recent and memorable instance of an important body of men, engaged in a very extensive business, and as acute and well-informed as any portion of the community, I mean the owners of newspaper property, being, with very few exceptions, so greatly mistaken regarding the tendency of reducing the stamp, that they strenuously opposed it for a long time, as they had an undeniable right to do if they thought it prejudicial to their interests; and yet they now have all found themselves materially benefitted by the alteration. Their opposition, however, produced a most unhappy effect, for it made the Government agree to a compromise, the result of which has been levying a stamp duty sufficient to check the diffusion of knowledge, general as well as political; to put many hundreds a-year of profit into the pockets of the proprietors; to save a few pounds a-year to the rich, who hardly feel the benefit, as they never could have suffered by the burthen; and to deprive the poorer classes of cheap papers, which it is the true interest of all classes that they should possess. I have not the least doubt that such of the traders as now apprehend any mischief may arise to them from abolishing the right of arrest, will find themselves as entirely mistaken; and that we should commit an error equal to the mistake of the lamentable compromise I have just mentioned, were we to mould the present measure according to their unfounded apprehensions. The more it is considered the more clearly will it appear, that while all parts of the community must gain by the proposed change, no part will lose any advantage to which they are justly entitled; nay, no part will incur any loss at all, for which ample compensation is not provided in some advantage conferred by it.

In many of my noble Friend's observations upon the details of the measure, I agree. But he has greatly undervalued the securities which it is calculated to give creditors. He is quite right in all he has said of the present remedy by *elegit.* The creditor hardly ever can derive any benefit from it. Indeed, it is absurd to talk of this as a substitute for the remedy by arrest, which is hardly ever used against those who have any lands to be seized. So the enabling cash or bank notes to be taken in execution is certainly no substantial increase of the creditor's remedy;

nor is it intended, I presume, as such—but rather to remove a glaring absurdity in the law, which, upon a ridiculous fiction will not allow money to be seized in payment of a man's debts. But I am far from considering the other additions to the creditor's recourse as unimportant. I think the power of seizing the debts due to his debtor may be of material benefit; I am sure that provision which gives him the power of seizing money in the funds, and other annuities, will remove one of the most vexatious and galling abuses which now exist. Can any thing be more mortifying to an honest tradesman than to see his debtor living within the rules of a prison, and squandering away the income of his stock, or his money lent on other securities, only taking care to have no chattels which can be made available to satisfy the just demands against him?

But the principal omission of my noble and learned Friend, owing, perhaps, to a similar one by the noble and learned mover of the Bill (the Lord Chancellor) has been, leaving out of his view the most important argument in favour of the measure, regarded as a benefit to creditors. I mean the argument deduced from the use now actually made of the odious process in question. To begin with arrest on mesne process, or before judgment. There are now half as many more instances of creditors using serviceable process, as bailable process, that is to say, for every two thousand cases in which the plaintiff begins by arresting, or holding his debtor to bail, there are three thousand in which he merely issues the serviceable process, that which does not attach the person. Which of the two kinds of proceeding best effects its object—the obtaining payment or settlement without the cost, and risk, and delay of a law suit? That is the test of the advantages of arrest; and that test we have the means of accurately and easily applying. One half the cases where serviceable process has been used are settled before even an appearance is entered; that is, before a single step is taken, or can be taken in court. How many do your Lordships think are settled where the body has been seized in the first instance, or has been saved from prison by finding bail? Just one-sixth. Surely this is a striking illustration of the view which the friends of the present measure, take, that the efficacy of arrest on mesne process has been overrated; and that it has not the tendency to produce payment of debts really due, which had been urged as the principal reason for its continuance. That many opinions in its favour upon this ground have been advanced by tradesmen, and recorded in the Report of the Commissioners, is certain. But I will set against them all the facts stated by one of those respectable persons, and the rather that it makes against his opinion. A grocer, in very extensive business, whose dealings amounted to no less than 200,000*l.* in the year, had formed a judgment favourable to the process of arrest, which he held to be beneficial to the creditor. But see what was his own experience of its benefits, and you may then say what really ought to have been given as its result. It appeared that if he set off all the expense attendant upon the use of the process in cases where it availed him nothing, against all the sums recovered in cases where it proved effectual, there was no balance left, the money fruitlessly spent being just equal to the whole gain. A fact like this is worth a thousand opinions, and lets in the broad day-light of actual experience to dissipate apprehensions and imaginations, from which so many inferences have been drawn. The Commissioners paid regard to the facts adduced as well as the opinions given before them: and though I entirely agree with my noble and learned Friend in his praise of Mr. Sergeant Stephen's able and learned paper, and join in recommending it to your Lordships' perusal, yet I must also request your attention to the equally able, equally learned paper against which it is a protest,—the Report itself, the mature judgment of all his four colleagues, men in no respect the inferiors of my hon. and learned Friend, and some of them, in practical acquaintance with the subject, necessarily his superiors. That judgment had been deliberately formed, and is supported by irresistible arguments, drawn quite as much from a regard to the right of the creditor, as to the interests of the debtor.

But my noble Friend has argued that the fear of imprisonment operates beneficially to both parties, by deterring men from imprudently contracting debts. Granting the apprehension of being arrested to have this influence over the customer, will my noble Friend only look to the influence which the power of arresting has over the tradesman? If it makes the one somewhat less willing to borrow, it makes the other much more ready to lend. He knows that he can in an instant pounce upon his debtor and obtain payment for himself, even if all other demands should go unsatisfied; payment, too, made under a pressure that prevents any narrow scrutiny of its amount or its justice. Every one knows that the practical effect of this is an increase of the disposition to give credit; every one, be he lawyer or no lawyer, every one living in this town, knows that credit is thus imprudently given, to the real injury of the customer, who is induced to buy what he cannot pay for, and to the injury also of those who do pay what they owe, but pay the dearer, in proportion to the bad debts which the tradesman is led to let others contract with him. Even if we allow then that the fear of being imprisoned has a tendency to prevent the one party from running in debt, we must remember that the power of imprisoning him leads the other party to give him credit too easily; and the increased facility of obtaining credit, is far more than a match for the supposed repugnance to take it; so that instead of preventing, the process encourages, bad debts, and stimulates by facilitating imprudent expences. Nor is this all. The law of arrest lends itself not merely to the encouragement of improvident dealing both of tradesmen and customers, but to proceedings which have all the moral guilt, and all the practical effects of fraud. The tradesman who has carelessly suffered an insolvent person to contract debts with him, is enabled to clothe him with an appearance of credit, by lending him more goods, which serve as a bait or decoy to others that have not yet trusted him: and when the net is full of their property, he can at once rush in upon the insolvent with his mesne process, draw the net full of other men's property, and extort from him enough to satisfy all his own demands, while all whom he has helped to deceive in vain cry out for either a return of their goods or a payment of the price.

The expense to which the community, that is to say the trading part of it, are put by the present state of the law on this subject, has not yet been adverted to either by my noble and learned Friend (the Lord Chancellor), who moved the Bill, or by my noble Friend opposite (Lord Lyndhurst). The Commissioners have formed an unhesitating opinion upon this part of the case, in which I entirely concur. They pursued this branch of their inquiry through all its details, and arrived at the conclusion that the cost entailed upon the community by the process of arrest, probably much exceeds, but is certainly not less than, 300,000*l.* a-year. Now, almost the whole of this sum must be either charged as dead loss to the creditors, or at the very least, as so much taken out of the fund from which their debts and those of other creditors were to have been paid; for a very small portion only of the expense is borne by debtors, who have enough to pay all their debts, and all the charges too. It is therefore a dead loss, for which no compensation whatever is received by any party, except the practitioners and officers of the law.

That the caption of the person may produce payment of what is due, no one ever thought of denying. It may, and often does enable a creditor to wring property from the hands of his reluctant debtor. But how often does it enable him to wring more than his due? How often to give a doubtful or other security for what is not due, or at least most doubtful, to purchase escape from a first imprisonment, or rather postpone it to a more distant day? How often to obtain that security, or some other settlement from friends, by working on their feelings of compassion, or of shame that one of their family should go to gaol? And how can the power be continued at all without being of necessity liable to such abuse, and being made the instrument of such cruel, iniquitous oppression to the one party, while it does not render in anything like an equal number of instances, justice to the other.

But let us come at once to the gist of the whole question. There is not one argument that can be urged in defence of arrest before judgment, which does not apply with ten-fold force to imprisonment after judgment; when the claim is no longer matter of contest, when the justice of the demand is ascertained, and when the seizure of the person is authorised by the sentence of the law, not directed by the mere desire, it may be the caprice, of the party. A man has been served with process for a debt of twenty-five or thirty pounds (nearly four-fiths of all the arrests on mesne process are for debts under 80*l.*, and the great majority for debts under 40*l.*) Bail has been found, at an expense of half the debt—appearance has been made—the suit brought, the pleadings perfected, and the cause tried in Court—an operation, one may be permitted to say, not unattended with expense, nor unaccompanied by large draughts on the patience, the temper, and the comfort of all concerned—judgment has been entered up and execution sued out—the defendant has run the whole gauntlet of the law from the arresting officer to the presiding judge, and the cause is ripe for his body being at length taken upon the execution.—I ask in how many instances the creditor takes it? I ask further in how many of the few instances in which he takes it at all, does he think it worth his while to keep hold of it? Here and there we find a case of revenge or spleen making a man detain his debtor in execution; but that must be gratified at a certain additional and useless expence. Now and then we see a debtor detained in the hope of some friend coming to his relief and appeasing the creditor. But it is rare indeed, that any one finds his account in casting his debtor into prison or keeping him there, after all his estates have been parted with, all his money squandered, the little that remained been absorbed by the process of the law, and nothing is left for either party but mutual disappointment and heart-burning. Indeed in most cases, the hopelessness of redress to the creditor is made manifest at a much earlier period of the proceedings. When it is found that the debtor intends to defend the suit and not to settle it, that is when he enters an appearance, the creditor has little prospect of benefiting by legal remedy against the person, in any case where the property is known to be gone. This is the proper line of demarcation between the two kinds of process, the arrest before and the arrest after judgment. Up to this time little expense is incurred, and there is a chance of payment by the debtor or his friends. Once let the line be passed, once let it appear that the action is to be defended, and the creditor knows that he must drag his debtor, now become his adversary, into court at his own expense, that he must at any rate advance all his own costs, and that in the vast majority of instances, he never can be repaid even that outlay, much less receive his debt, the funds for paying which will be carefully and effectually exhausted by the proceedings. He knows that beside all this, he runs the risk of being defeated and having to pay his adversary's costs, and that even when all is done, and he has succeeded, his remedy is the power of imprisoning a man utterly ruined, coupled with the obligation of contributing to his support under confinement. Thus when his claim is established, and it is for the first time ascertained that he has a right to seize the debtor's person; it is a right which he has no interest in exercising, and the use of which can avail him nothing; the only real benefit he could ever receive from the process being before the line was passed by the debtor appearing and defending, that is before the force of the arrest upon mesne process was spent. But what shall I say of that summary power, the efficacy of which is not denied, that most hateful, most oppressive power—a power so open to every kind of abuse, so often foully abused, that no man can contemplate its existence without abhorrence, its continued existence without astonishment,—that frightful power fitted by its very nature for being perverted to the working of the worst injustice, and valued for that very capability—enabling any one without check or control, except from his own conscience, to arm himself with the whole force of the law to accomplish purposes of sordid injustice, which no law ever sanctioned, or gratify feelings which no breast deserving the name of human ever could entertain — a power in refusing which to such remorseless hands, the Law is utterly impotent, lending itself unresisting to the work of oppression, but resistless in those hands to perform that work? Let the wrong-doer but screw up his conscience to swear a twenty pound debt, and it is not in the power of man to stay his hand, or withstand the force which it then wields—the whole force of the law. His victim is instantly hurried to a prison.

Lords *Lyndhurst*, and *Wynford*.—But the man may find bail, or lodge the amount in Court.

Lord *Brougham*.—Aye, provided he has the money to lodge, or the Friends to bail him, or the sum that the bailing costs. But it is quite possible that he may be thus oppressed, because, he has neither the one of these things nor the other. Let him find the money, or pay it into Court! It is easily said. The question whether money shall be so paid while a suit is pending, and to abide its event, is in all Courts of Equity, a matter of the most serious contest, and after obstinate resistance is only ended by a solemn decision. But the party at law claiming a sum is to have the power of at once calling for the deposit, and throwing into prison his adversary, who denies the claim altogether. Even if he must pay, he is forced to lie in gaol while he finds the money; and he then goes free, but goes also marked and stigmatised for life as having once been the inmate of a gaol. Let him find bail! says my noble Friend. For a debt of 20*l.* or 30*l.* this may be easy enough, at least to those who have friends, or can pay the expense of procuring it. But I should like to see the man, out of this and the other House of course, who could find bail if a debt of 30,000*l.* or 40,000*l* were sworn against him? Shew me the man who could find two householders to swear themselves worth 60 or 80,000*l.* each to bail him! To gaol that man must go. I am not putting an imaginary case for the enforcement of an argument. I am not taxing my fancy for a tale to illustrate the question. The very thing has happened in this neighbourhood, in very recent times, and in well known Courts— as certainly as there has been a common pleas fixed at Westminster since Magna Charta —happened too in the case of no obscure individual, but of a person distinguished throughout Europe, of ample resources, of great capacity, and who rose to be first minister of an ancient monarchy. Threatened with an arrest for near 100,000*l*, to find bail was impossible, and he was driven from the country until he could procure the sum to be paid into Court. It was afterwards returned to him after the result of the trial proved favourable; but if he had not effected his escape he must have languished in prison until either the money could be raised or the cause be tried.

But, if some are, by the abuse of this dreadful power, driven from the country, others are oppressed by being detained forcibly within it. I will suppose a trader who has fitted out his vessel at Liverpool or Bristol for the Spanish main—and here, again, I am putting no imaginary case, except as to the port of outfit—a rival trader is minded to frequent the same market, but his preparations are not so far advanced, and he is unable to sail for a week or ten days after his competitor. The law steps in to his assistance and enables him whose cargo is still ashore to place himself on a level with the captain who has his anchor a-peak and his sails loose. While indulging in the prospect of having a long start of his rival, he is arrested on the point of sailing, and, unable to find bail, lies in prison until the other has proceeded on his voyage. But all these things are done, we are told, at the risk of an action for malicious arrest. They are, it is true; but no less true is it that an action more hard to maintain is not known in the law. Not only must proof be made of actual malice, but what is infinitely more difficult, and what I have rarely seen successful, the injured party must give proof of the negative, that there was no probable cause for the arrest. But then if the whole was a fiction this action may possibly succeed, or, at any rate, the wrong-doer many be indicted for perjury. Aye—but suppose he is a foreigner, who will not again visit this country, or even a native trader, who has only to take care not to be found in the same country where the offence was committed, at any time that a grand jury is sitting there, and his adversary is near at hand—in either case he is quite safe; the injured man goes without redress, and the guilty has been enabled by the process of the law to gratify the vile purpose of his sordid or malignant desires, without a single accomplice, and with perfect impunity. No one then, who reflects ever so little upon the subject, can doubt that the only kind of arrest which creditors practically regard as of any value, that before judgment, is liable to so many objections is so contrary to all principle, and so capable of being perverted to the worst of purposes, that it must at length be abandoned, and no longer suffered to bring discredit on the English law—to which it is as peculiar as it is repugnant to common humanity, to sound policy, and to every thing like justice.

But though the main object of this Bill is deserving of the entire assent of your Lordships, I agree with my noble and learned Friend on the woolsack, that some of its provisions require to be altered. I concur in what he said respecting trusts, and powers of disposition. In several of the remarks on the details made by my noble and learned Friend opposite (Lord Lyndhurst) I also agree. The extension of the provisions of the Bankrupt Laws respecting order and disposition, to the case of all persons within those laws, I entirely disapprove of. That part of our jurisprudence is contrary to all sound principle; it is indeed a remnant of the darker ages of which it was the growth; and if I were called upon to say whether I would rather see it expunged from the law altogether, I mean in cases of actual bankruptcy, or extended to all process against solvent traders, I should at once prefer its total extinction. This part of the Bill must certainly be altered, and there are other material changes which must be made.

But in some other objections of my noble and learned Friend to the details of the Bill I cannot agree. Nor do I think that he dealt with those details as fairly as he did with the principle, particularly, when he ridiculed the provision requiring a debtor, on the demand of any judgment creditor, to produce a specification of all his property; particulars, said my noble Friend, of his lands, an inventory of his chattels, a list of his debts, and so forth. Is this a new contrivance, peculiar to the present measure? No such thing—it is a part of the Lords' Act—which provides, by the 16th section, that any creditor, if his debt do not exceed a certain amount (100*l.* by that Act, afterwards raised to 300) may compel his debtor (having first taken his person in execution) to file a schedule of all his lands and all his chattels. But that Act has not only the unjust and partial restriction on the amount of the debt, which confines this compulsory process to debts of inferior condition, while it lets those of a higher order go free; it also contains an enactment of extreme rigour; for it enforces the filing of the schedule by the punishment of seven years' transportation.

My Lords, I rejoice to see the prospect of this measure at length receiving the sanction of the Legislature, and of by far the foulest stain being wiped from our civil code. It is now many years—nearly ten—since I urged the serious consideration of it upon the attention of the other House of Parliament, when I brought forward the motion upon the reform of the law which led to the issuing of the Commission. The great principle which I then stated, and afterwards recommended to your Lordships, has been fixed and rooted deeper and deeper in my mind by whatever experience I have since had, either at the bar or on the bench; all I have heard both of argument and of authority has increased my confidence in its soundness and in the safety as well as efficacy of the remedy to which it points. What is that principle? Simply this — That mere debts should never be treated as a crime; and still less as a crime to be punished at the sole will and pleasure of the creditor; that the line should be drawn broad and deep between misfortune and guilt; that the latter only should be visited with punishment; and that the judge, not the party, should award it. When a man owes money, let his property be made available of all kinds, whether in possession or owing to him, and by all means, to satisfy the debt, for it belongs to his creditor, not to himself; but when he has committed no offence, let his person go free. But it is in nowise repugnant to this principle—on the contrary, it is by manifest implication parcel of it, and so I always distinctly stated,—that if he has offended either in the manner of contracting the debt, or in defying the law by refusal to give up his property, or in any fraudulent practice to his creditor's damage, then he is no longer an unfortunate man, but a guilty one; and his person may be justly imprisoned, either for the purpose of compelling him to obey the commands of the law, against which his contumacy is indeed also an offence—or in order to visit with condign punishment the fraud which he has committed. Thus if any one shall obtain the money or the goods of another, knowing that he cannot have the means of making payment—or if a man not worth fifty pounds in the world shall buy a thousand pounds worth of goods and conceal them, or borrow a thousand pounds and squander it away — that is a criminal and not a debtor. Or if one who had fairly contracted debts shall withhold the money which he has, and refuse payment, he too is guilty of an offence; or if he shall make a fraudulent conveyance of his property, to screen it from the process which the law has appointed for its distribution among his creditors—again he is an offender; and all these cases may most justly be visited with adequate punishment, in the form of imprisonment. The distinction between the cases is merely that which separates the innocent from the guilty; and, sparing him whom misfortune alone, or a degree of improvidence falling short of gross and reckless extravagance, disables from satisfying the demands against him, exacts the penalty of imprisonment from him only whose conduct has been profligate, or contumacious, or fraudulent—but never suffers his adversary either to decide upon his guilt or to mete out the punishment. Founded upon this principle, recognising throughout this distinction, the Bill before us comes strongly recommended to the approval of your Lordships, although its details require to be revised and amended; and for such alterations my noble and learned Friend (the Lord Chancellor) professes himself ready.

But, my Lords, there is one alteration in this measure, this just, humane, and in my conscience I believe most politic measure, which the noble Lord has announced, that I confess fills me with astonishment and dismay. I mean that provision which he is to introduce for the purpose of drawing a line of distinction and protection around both Houses of Parliament, and screening their members, iniquitously, invidiously, and, to the community at large, insultingly screening ourselves from the operation of the law, and proclaiming that against us alone of all the people it shall be powerless. Are we indeed prepared to clothe ourselves with the proud prerogative of being law-makers and, therefore, law-breakers? of having the power to frame the law, and, by the possession of that power, contriving an enactment by which we retain in our own hands the other power of violating it with impunity—arming ourselves alone of all our fellow-subjects, with the privilege which both my noble and learned Friends have so justly described as the privilege not to do what every man ought to do, and what every honest man does? What, I ask my noble Friend on the woolsack, is the avowed object of the compulsory clauses in his Bill? He has already answered me—he has said that their object is to compel all to do what all honest men do already without compulsion. See then in what an odious position he is about to plant you—and that too by way of saving your privileges, of exalting you in the eyes of men, of enabling you to command the respect and win the affections of the people! You of all mankind are not to do, at least are not to be required to do, what those who propose this ill-advised alteration, in the same breath tell you every honest man does, and requires no compulsion to make him do. My Lords, this appears to me ominous of the fate of the measure. I think I see its destruction in this most inauspicious change which the Government have resolved to make upon its frame. So much upon its utter repugnance to the grounds of the Bill as stated by the authors of the proposed change. But what shall I say when, reminding your Lordships of the general principles of the whole measure, as I have already sketched them out, and as I presented them ten years ago to the Commons, I recall to your recollection that upon those principles the address was presented to the Crown, and the Commission was issued, of which the first and most precious fruit was this measure? Mark well, I beseech you, the leading position which formed the ground-work of all these proceedings. It was the distinction drawn and persisted in throughout, between misfortune and crime—between honest poverty and fraud—between contumacious resistance of a just demand, and innocent, because unavoidable, inability to satisfy it—between the want of power and the want of will to do what my noble and learned Friend says, every honest man does freely of his own accord. That was the view which presided over this amendment of the law—that, the origin of the Commission—that, the object of the report—that, the basis of this whole measure, which is built upon that principle, that impregnable position alone. If that be not its foundation, then has it not an inch of ground whereon to rest. Then how are you following up this principle—in what manner are you applying it? The rule being, that every man who does a wrongful act—every man who is guilty of a fraud—every man who fraudulently conceals his property or fraudulently makes it away, or any how fraudulently traffics with it to cheat his creditor—all, in a word, who knowingly and wilfully cheat their creditors,—shall be dealt with not as unfortunate debtors, fit objects of compassion, but as offenders, as criminals, just subjects of punishment—such being the whole pervading principle of the Bill, what is the course announced by the noble and learned Lord on the woolsack, as about to be pursued with regard to your Lordships? That you, the Peers of this realm—the Aristocracy of England—the head and ornament of the State—whose honour is more esteemed than other men's oaths—who decide upon honour higher matters than others upon oath—you, who are not only the Peers of England, the counsellors of the Monarch, the Aristocracy, the head and ornament of society, but the hereditary lawgivers of the empire,—and are desired to abuse your right as such, for the purpose, they tell you, of raising and aggrandizing yourselves, but I tell you, in order to lower, to debase, to stigmatize yourselves—you who are beside all this the judges of the land in the last resort, exercising the highest functions of the judicial office; supremely and without control, in all cases, administering both civil and criminal justice—what is it that you, clothed with these various powers, wielding all these lofty prerogatives, holding the whole law in your hands as legislators and judges, are about to do, with the purpose of protecting your privileges—of exalting yourselves yet higher in the world—of amplifying your title to respect,—and of recommending yourselves to the love of your unprivileged fellow-subjects? Why, you are required to adopt a provision for enabling you to do that which I will not repeat in such near juxta-position to your names; enabling you to do that by your honest creditors, which, if any other men were to do, you would, as administering the criminal law, be bound to visit them with punishment, as knaves, rogues, cheats, swindlers!

Now, let me see the man who will propound this clause! Let me see this alteration brought forward to cripple the Bill! But if it shall be brought forward, I pledge myself to give every one of your Lordships an opportunity, by your vote, of redeeming yourselves from the shame of such an act, by guarding yourselves against the stain—the foul and revolting stain—attempted to be fixed upon your names!

Lord *Wynford* said, that the clause referred to by his noble and learned Friend who had just sat down would be in his opinion most injurious to the character of their Lordships' House, and to that of the other House of Parliament. The law ought to be equal to all. There might certainly be reasons why the persons of Members of the Legislature should be free, but there was no conceivable ground for exempting the property of a Member of Parliament from the payment of his debts. With respect to the other points raised, there was very little difference between his noble and learned Friends and himself. It had however been stated, that according to the present law of arrest, a man might be put to an expense of 20*l*., when the debt for which he was arrested was perhaps only 30*l*. Now, he would say that this could not be. He was himself the judge of the Common Pleas to whom his noble and learned Friend (Lord Brougham) had referred, when alluding to the case of M. Mendizabal. In that case he introduced a rule which had since, he believed, been passed into a law, that any party who had been arrested on mesne process might, instead of applying for bail, pay the money down in lieu of bail. This was not like a payment of money into Court in ordinary cases, as it did not admit the debt. The grievance, then, of which his noble and learned Friend complained was an imaginary one, for the man who had 30*l*. to pay had nothing to do but to pay the money, and if he allowed himself to be put to 20*l*. expense for costs, he was fit for a very different kind of custody from that to which he was consigned. In fact, the man must be a candidate for Bedlam. He did not differ very materially from his noble and learned Friends with respect to the objects of the Bill, but he differed entirely as to the mode of carrying them into execution. He considered this Bill to be a most inefficient one, notwithstanding all the consideration which it had undergone. He believed, and he would state his belief broadly, that the measure was so defective, that he was much mistaken if a single clause passed as it stood. The principle on which he went was this—he would not allow any man to be deprived of his liberty, if possible, on mesne process. He admitted that arrests on mesne process were frequently the result of passion; an angry man did not look so much to the security of his property, as to the gratification of his wrath, and the exercise of the power given him by the law very frequently defeated its own object. He agreed, then, that arrest on mesne process ought to be avoided, except in cases when it was absolutely necessary. He would not allow a man to be a judge in his own cause, and arrest another in a fit of passion, but let him lay affidavits before a competent judge, upon which the judge might decide whether he thought the facts disclosed were sufficient to warrant an arrest. His noble and learned Friend near him (Lord Lyndhurst) said, that the debtor would in the mean time be off, but the defendant would not know that such affidavits were made, and he would be in custody before he thought of absconding. He thought also that this power should be extended to the plaintiff in an action commenced by serviceable process, when he had good cause to believe that the defendant was going abroad, although he had not arrested him in the first instance. He was quite of the opinion expressed by his noble and learned Friends, that all property belonging to the debtor ought to be subject to execution in some way or other. But to effect this object the Bill took a new course, and in his opinion a very wild course. The application of a very simple remedy would remove the necessity for all these clauses in the Bill. They had only to extend the Lords' Act to all descriptions of debts, and every purpose of these parts of the Bill would be answered. That was an old remedy, and one which had been recommended by every one of the five commissioners. He had on a former occasion attempted to carry such a measure into effect but he was then defeated, though he hoped that would not be his fortune now. He had stated that he was quite ready to abolish in all cases, except where absolutely necessary, arrest on mesne process; but he thought that after judgment, execution against the person should still be enforced. If a man were at large, there would be no inducement to him to give up his property, and he would frequently be tempted to conceal it; but if the creditor had the power of giving him into custody, he would be willing to give up his goods to procure his liberation. He must say, that the clauses in this Bill were the most unintelligible that he had ever read. He considered that they would not be justified in pressing forward this Bill without a full and careful consideration. The authority which the measure had received by passing the House of Commons was much weakened by the fact that many important alterations had been since made in the Bill by his noble and learned Friend on the woolsack. When that enlightened body had made so many mistakes as his noble and learned Friend admitted they had, their Lordships had but a weak motive for pressing the measure. With respect to the change introduced by the Bill into the law of execution by *elegit,* he must observe that under the old law the tenant by *elegit* took half the profits of the land, but it was now proposed that he should have the whole. Under the old law the tenant by *elegit* might take the land to be extended, so that the profits went immediately in satisfaction of his debt, and he continued in possession till the debt was paid. Now, however, he was to have the rents and profits of the whole, and was to be placed in the agreeable situation (the most agreeable in which a man could be) of accounting to the Court of Queen's Bench for all he received till the estate could be sold. Now, with such a state of things, a man who had a judgment for 1,000*l.* might seize upon the estates of any noble Lord in that House, though the rents and profits might amount to perhaps 40,000*l.* a-year. The tenant by *elegit* would soon change places with his former debtor, and might, if he felt so disposed, soon cross the Channel with the proceeds of the estate, of which he had in this manner come into possession. It did appear to him that a more wild scheme than this, for making compensation to creditors, never was devised. He strongly recommended their Lordships rather to have recourse to the wise old plan of calling on the debtor to deliver up all his property to be applied to the benefit of the creditor, and then these clauses would in all cases be rendered unnecessary. Another part of the Bill which he did not like was that which related to the functions to be exercised by the Commissioners of Bankruptcy. Those gentlemen were to be taken from their own court, in which important business was always pending, and all round London, at least, they were to be the examiners under this Bill. He had no doubt that the business of this court was done extremely well, but the business was equally well done in another court, the Insolvent Debtors' Court, and this examination would be much better done by the Commissioners of Insolvents than by the Commissioners of Bankruptcy. With respect to the Commissioners of Bankrupts in the country, by whom the examination was to be conducted, he must say, although there were many learned and respectable men among them, that if there were any part of the administration of justice which was disgraceful, that was it. He was therefore extremely sorry to find that the Bill extended their powers. He had thus adverted to the alterations which he should wish to make in the Bill. He thought that some time or other it might be converted into a proper and practicable measure, but it would require much consideration, and hurrying it through at this time without such consideration would be highly inexpedient and unwise.

Lord *Denman* would take the liberty of mentioning one or two circumstances which seemed to him to show that the Bill ought to be passed without any material delay. This was necessary if it were only to set the question at rest, and to quiet the minds of a large body of the people. As a further proof of the necessity of passing the measure with as little delay as possible, he would mention a case similar to that which had been alluded to by his noble and learned Friend opposite, and which occurred about fourteen years ago. It was the case of a gentleman who came to this country as the government counsel of one of the South American states. He gave orders, as one of the cabinet council of that country, for a certain quantity of goods; and in his public capacity, and whilst residing in this country, he was actually arrested as one of the partnership for whom the goods were ordered. Of course he was thrown into prison, where, though a person of high rank and station, he was confined for many months. Upon his release he brought an action of malicious arrest, and recovered very great damages. He forgot whether those damages were ever paid or not; but he asked their Lordships for a moment to make the case of this distinguished foreigner their own. Suppose any one of their Lordships were residing in another country, and were to be arrested upon such a pretext as that which he had stated, and confined many months in prison, what sort of opinion would they form of the code of a country in which they had met with such treatment? Since he had held his present station upon the bench another instance of a somewhat similar kind had occurred. A Portuguese nobleman (the Duke de Cadaval, he believed,) on landing at Falmouth, or while he was residing at Plymouth, was arrested on a pretended debt, thrown into prison, and obliged to pay a large sum of money to procure his release. He also brought an action for malicious arrest, and recovered large damages against the person who had imprisoned him, not one farthing of which, however, had ever been paid. But what compensation could any amount of damages be to a person who was so outraged by the abuse of a law which was always in operation in this country? It was impossible to suppose that either of the two distinguished individuals to whose cases he had referred, however wealthy they might be, could be provided with sufficient money at the moment to purchase their release. But let it be considered how many persons there were continually exposed to the operation of the cruel law, who had it not in their power to command the very smallest sums; and let it be remembered how much that difficulty was increased when they were suddenly thrown into prison, and every means of gaining money, either by their trade or labour, closed against them. It was idle to say that an action for malicious arrest could afford the slightest degree of compensation in cases of this kind. The parties who had been confined became injured, perhaps utterly ruined for life. It was, therefore, to prevent the possibility of actions like these, and the possibility of the ruin of numbers, that he was in hopes that the arrest upon *mesne* process would have been at once declared a practice that ought not to be continued in this free and enlightened community. It was dreadful to think how many persons had been imprisoned for long periods for very small sums. It was found upon inquiry that a very large proportion of the persons imprisoned for debts were for sums under 30*l.*, and it was a fact, that four-fifths of the whole number were imprisoned for various sums under 80*l.* There was one consideration connected with this subject which had not yet been pressed at all upon their Lordships' consideration, but which he was sure no one at all conversant with the history of the courts of justice would be insensible to. It was this, that the less the means of the debtor to pay the expenses and costs of his arrest, the more completely was he placed at the mercy not only of his creditors, but of the low practitioners of the law, men who were in the habit of pushing the abuses of the law to the very uttermost to secure their own gain, and without the smallest regard to the feelings or interests of the unfortunate beings who fell within their power. He found that their Lordships were all agreed that the Bill should be read a second time, and referred to a Committee up stairs. He trusted that the only object of that Committee would be to discover, and that without any unnecessary loss of time, the best substitute for the existing law, and that they might now venture to consider that the principle of the present Bill was adopted and sanctioned by their Lordships. His noble and learned Friend opposite had put the question very fairly, "is it, or is it not, right that the power of arrest should continue?" but he confessed he was sorry to hear from that noble and learned Lord so much pleasantry upon the details of the Bill. He was sorry also to hear his noble and learned Friend (Lord Wynford), who spoke last characterise the measure as one that was perfectly inefficient and absurd. He thought that it carried with it the recommendation of an extremely simple and intelligible code. It might not be strong enough to effect all its purposes, but he confessed he looked with great jealousy on any kind of arrest, especially if it were grounded only upon *ex parte* statements, He did not like to see the liberty of any one of his fellow subjects restrained or put an end to without a formal and regular trial in a court of justice. He would not say one word about the views of the question which had been introduced by other noble Lords; but he must observe, that considering that the principle of the Bill was now adopted by their Lordships, and was to be sent to a Select Committee, he thought it would have been much more desirable that it should have gone to the Committee without that degree of disparagement which the many objections made to its clauses, must necessarily throw upon it. He must take the opportunity of adding that he hoped, in common with his noble and learned Friends who last addressed the House, that the particular clause to which his noble and learned Friend upon the woolsack expressed himself not hostile would never find its way into the Bill, because he thought that the great principle of relief from arrest, which would apply to every one in the kingdom, would take from the members of Parliament all claim for a peculiar exemption from liabilities to which the rest of the community were subject. He trusted, therefore, that a clause of that kind would never be allowed to find its way into the Bill. Going into the Committee without any unnecessary delay, and with a real desire to find an effectual substitute to spare the liberty of the subject and at the same time to provide all the security that the creditor could receive, he trusted that their Lordships would in a very short time see the law of England relieved from that foul stigma which must ever attach to it as long as the law of arrest was allowed to remain.

Lord *Abinger* did not propose to go through the details into which his noble and learned Friends had entered. He, however, thought that this Bill was erroneously entitled. It was called a Bill to abolish imprisonment for debt in certain cases; but he thought it might be much more properly called a Bill to add to the duties of the Commissioners of Bankrupts, to increase their emoluments, and to raise a fund for that purpose. He was, however, ready to lend his best assistance in carrying out a Bill for the abolition of imprisonment for debt, and to make such a measure perfect; but he must say, that the Bill as it now stood did not contain a single clause which met his approbation.

Lord *Brougham* said, his noble and learned Friend dealt most unjustly with the Bill. He had not looked at the returns upon the table or he would have seen that the funds in the court of bankruptcy were already overflowing.

Lord *Abinger* remarked, that under the Bill now before their Lordships, proceedings were to be pursued in certain cases before a Commissioner of Bankrupts, who would be entitled to fees every time he moved. Now there were also other proceedings which this Bill would throw before one or other of the judges in chambers, and upon the judges, if this Bill were to pass, great additional labour would be imposed, while no additional remuneration was provided by the Bill.

Lord *Brougham:* Ah! that is the objection, I see.

Lord *Abinger* repeated that the Commissioner of Bankrupts would get a fee for every step he took under this Bill, and the fees so acquired were to form a fund, out of which the Chancellor was empowered to provide additional salaries for those Commissioners.

The *Lord Chancellor* remarked, that the Bill had not been very accurately examined by some of his noble and learned Friends who had gone into the details at some length. He (the Lord Chancellor) had no objection to go into a Select Committee if the object was merely to endeavour to improve the provisions of the Bill, but he trusted that, by seeking a reference to a select Committee it was not intended to go into evidence, especially after such a mass of evidence had already been secured, and thus to defeat the Bill. With regard to the exemption from arrest of Members of that and of the other House of Parliament, he should not be one to struggle in favour of a privilege of that kind.

Lord *Brougham* reminded the House that even under this Bill there were a whole class of cases in which defendants would still be liable to arrest. Those cases were all actions of tort, such as for criminal conversation, seduction, slander, libel, and false imprisonment.

The *Duke of Wellington* said, that he should not trouble their lordships with more than one observation upon the present occasion. He begged to say that he consented to go to a select Committee with this Bill in the hope that some security would be afforded to the creditors of this country for the recovery of their debts other than by personal arrest. He repeated that he hoped this Bill would come out of the Committee affording some satisfactory security to the country in that respect. If it did so come out of the Committee, he would consent to go through the other stages of the Bill; but, if it did not give that security, he should certainly oppose all further proceeding with the measure. He agreed in many of the arguments advanced by the noble and learned Lord opposite. He entirely agreed with him that one of the causes of debts being incurred in the country was, in a great degree, the power which creditors at present possessed to arrest their debtors upon *mesne process;* and he still further believed that it was the facility which was thus given of obtaining credit which had been the cause of the great mercantile prosperity of the country. The enormous transactions upon credit in this country were such, that both individuals and the public generally required further means of recovering debts than existed in other countries. Under these circumstances he entreated their Lordships not to suppose that he gave way in this matter from his feelings, and on that account to put an end to a system which he admitted, in some instances, had been abused; but he gave way with a view seriously to look into the subject, and see whether, instead of arrest, some efficient substitute could not be found which would afford good security to the commercial interests of the country.

The Marquess of *Lansdowne* had every reason to hope that the Bill, particularly as it might be expected to come out of Committee, would give increased security to the creditor. He quite concurred with the noble Duke, that this was a most necessary object to effect; but he certainly could not agree with him that it was desirable that every species of credit, as it now existed in this country, should be maintained as hitherto. He was convinced that much of the credit which had prevailed in this country had been prejudicial to its prosperity, and noxious to society at large, and that it was at the root of many of the evils which existed in the country; and it was his opinion that this Bill would not produce all the good which he expected from it, if it did not in that sense diminish the amount of credit which was now given; for while he looked upon the powerful sanction of the law as necessary for the purpose of enabling the creditor to recover his just debt, he considered that the chief object against which the power of the law should be exerted, was that foul and perverted species of credit by which, under the law as it now stood, a numerous class of persons were induced—though with the certain knowledge that the parties they trusted had not the means themselves for paying them—were induced on a mere gambling speculation, which it was contrary to the duty of a Legislature to encourage, to give credit, in the hope that, exercising the power of the law with which they were armed for their own private and selfish purposes, they might so work upon the feelings of the friends of their debtors, by calling into action all the best sympathies of society and human nature, as to succeed in throwing the burden on parties on whom it ought not to be thrown, and thus give increased encouragement to the contraction of debts, which both the person paying, and the person giving credit, knew perfectly well the debtor was entirely unable to repay himself. The whole class of transactions of this nature, and it was an extensive one, was quite unconnected with the prosperity of the country, was indeed prejudicial to it—it was a class of transactions which the House, so far from protecting, were bound to discourage; and though there might be cases in which the creditor might advantageously be put in possession of power with reference to persons of a different character, yet, if the noble Duke looked to the returns, if he looked at the state of these transactions in other countries, he would find that this description of credit, which was connected with that commercial prosperity which he so justly regarded as entitled to their Lordships' best protection and support, was precisely that species of credit which did not rely for its security on the power of arrest. In France, the power of arrest prevailed to a certain degree; and it was well known, that in the great commercial cities of that country, Marseilles, Bordeaux, Rouen, Havre, &c., the power of arrest was very seldom exercised. It was only among the shopkeepers of Paris, among the class of gambling and fraudulent transactions such as he had described, and which prevailed to an enormous extent in Paris—it was only there that the power of arrest was put in force to any extent.

He should go into the Committee with as great an anxiety as the noble Duke, to protect and give the support of the laws to the honest creditor, but at the same time with an anxious desire that there should in future be less credit given in this country than hitherto. He was convinced that this would operate greatly to the benefit of society, and effect a great diminution of the misery and destitution to which the law of arrest, in this country, had given rise.

The Bill was read a second time, and ordered to be committed to a Select Committee, which was appointed accordingly.

HOUSE OF COMMONS,

Tuesday, December 5, 1837.

MINUTES.] New Writs issued for Sudbury, in the room of Sir JAMES HAMILTON, accepted the Chiltern Hundreds; for Midhurst, in the room of Mr. POYNTZ, accepted the Chiltern Hundreds.

Petitions presented. By Mr. WILLIAM ROCHE, from the Limerick Chamber of Commerce, against the Tolls on the road between Dublin and Limerick.—By Mr. WILBERFORCE, from Hull, for equalising the rate of Postage.—By Mr. COLQUHOUN, from Kilmarnock, to the same effect.—By Mr. GROTE, from Cirencester, for Vote by Ballot.—By Mr. CAVENDISH, from thirty different parishes in the Hop districts, for the repeal of the duty on Hops.—By Mr. G. F. YOUNG, from Mr. Montgomery Merton, for an improved system of Colonial Government.—By Mr. HUME, from William Bryan, complaining of the oppressive treatment of Colonel Arthur.

SUBORNATION OF ELECTION WITNESSES.] Mr. *H. Hinde* rose to call the attention of hon. Members to a subject intimately connected with the privileges of that House. He held in his hand a petition from a person named Chapman, an elector of the town of Berwick-upon-Tweed, who stated that he had given his vote in favour of the sitting Members (Mr. Holmes and Mr. Hinde), and since their return he had been waited upon by one Donald Sinclair, a solicitor in Berwick-upon-Tweed, who requested him to appear before the Committee of that House, appointed to try the merits of that election, for the purpose of giving evidence of bribery against the sitting Members, and on petitioner's stating that he could furnish no such evidence, Sinclair offered him a large sum of money to induce him to give such evidence. There could be no doubt, if the statement of the petitioner were true, that the person complained of deserved the severest penalties which the rules of the House could inflict; but he had some difficulty as to the course that should at present be adopted, particularly as a petition had been presented against the sitting Members. If that had not been the case, he should have taken the earliest opportunity of moving that the solicitor complained of should be called on to answer for his conduct at that bar; but as that might, in some degree, prejudice the trial of the election petition, he should simply move that it be printed, with the view of founding upon it some further proceedings at a future time.

Lord *J. Russell* thought, the allegation in the petition was matter which might fairly come before the Election Committee. If any proceedings were taken upon it at present, they would go directly to prejudice the minds of the Committee. The better course, perhaps, would be to withdraw the petition, as had been done in the case of the Bridgewater petition on Friday night.

Petition withdrawn.

SPANISH PRISONERS IN PORTUGAL.] Mr. *Maclean*, seeing the noble Lord, the Secretary of State for Foreign Affairs in his place, took leave to ask a question relative to a petition which he had handed over to the noble Lord some time since, on the part of certain persons who had been imprisoned in Portugal. By the 4th article of the treaty, or rather the capitulation between the Portuguese, Spanish, and British Governments, when Don Carlos left Portugal, the Spanish refugees then in that country were to be guaranteed their liberty and sent to a dépôt to be provided for them, until it was found convenient to send them to some other country they might prefer. Eight hundred and thirty of those persons having surrendered themselves, they were placed in the dépôt, and by the severities they had suffered during their imprisonment, they were now reduced to 230. He wished to know, whether the noble Lord considered that, by the capitulation, the British Government were bound to protect those individuals, and whether he was prepared, supposing their case had been fairly stated, to interfere in their behalf.

Viscount *Palmerston* was not prepared to admit that those parties were, under the fair and proper construction of those articles, entitled to be set free. It was the duty of the Portuguese Government to detain them as prisoners until they were exchanged for prisoners taken by the Carlists. At the same time, it was the duty of Government to see that, while in safe custody, they were well treated. He believed they were well treated. There was a letter from the commandant of the dépôt, which clearly stated as much. He would, however, send the petition itself to Lisbon, in order that a fresh inquiry might take place; and if they had anything to complain of, he had no doubt steps would be taken to obtain for them redress.

CHURCH ACCOMMODATION IN SCOTLAND.] Sir *Robert Peel* rose to put a question to the noble Lord (John Russell), on a subject on which great anxiety was felt, particularly in that portion of the United Kingdom which took more especial interest in it—he meant the subject of the Church of Scotland. Some months ago, indeed he might say years ago, a Commission was appointed by the Government to inquire into the state of Church accommodation in Scotland, and into the means of affording religious instruction to the people of that country. One Report had been already made by the members of that Commission. He thought that he understood the noble Lord, on a former night, to say, that another Report, completing the inquiry into the condition of Glasgow, had been recently received by the Government. He trusted that the general inquiry of the Commissioners was then so far advanced, that Parliament might shortly have the advantage of the whole of their important labours before it. The particular question which he wished to put to the noble Lord, had reference to the condition of Glasgow, for he could not help thinking that if they had the Report of the Commissioners on two such important towns as those of Edinburgh and Glasgow, they might take a tolerably comprehensive view of the whole subject of church accommodation in Scotland, and that any measures which might be wanted, needed not to be deferred from the incompleteness of the inquiry. He understood the noble Lord, on a former occasion, to say that the Report on the state of Glasgow, had been actually presented to him; and he, therefore, could not refrain from expressing his earnest hope that the noble Lord would present, as soon as possible, to the House that Report, along with the evidence on which it was founded. It was a subordinate reason for presenting that Report as speedily as possible to the House that a Committee had recently been appointed to inquire into the state of the poor, so far as regarded their means of education in all the large towns of the United Kingdom. It would facilitate the inquiries of that Committee to have a full Report on the state of church accommodation, and of the means of religious instruction in two such large towns as Edinburgh and Glasgow. But independently of that consideration, and with reference to the subject itself, he had once more to express his earnest hope that the noble Lord would present the House, on an early day, with the Report of the Commissioners on the state of Glasgow.

Lord *John Russell* had stated, on a former evening, that Government had received a copy of the Report of the Commissioners on the town of Glasgow. The only reason why he had delayed presenting it to the House was, that he had acceded to a proposition of the Commissioners that their Report should be printed in Scotland, and not in this country. They had sent to him three or four printed copies of their Report, but not a sufficient number for distribution among the Members of the two Houses of Parliament. He would, that evening, give directions that the Report should be sent down to the House, and he would himself present it to-morrow. He concurred with the right hon. Baronet in thinking that, as they had the Reports of the Commissioners on the towns of Edinburgh and Glasgow, they might fairly draw an inference from the state of those towns as to the general state of church accommodation throughout Scotland

Subject dropped.

MUNICIPAL CORPORATIONS (IRELAND).] Lord John Russell moved, that the passage in the Speech of his late Majesty delivered in 1836; and the passage in the Speech of her present Majesty, referring to the Municipal Corporations in Ireland, be read.

The clerk at the table read the passages as follow:—

"You are already in possession of the Report of the Commission appointed to inquire into the state of the Municipal Corporations in Ireland, and I entertain the hope that it will be in your power to apply to any defects and evils which may have been shown to exist in those institutions a remedy founded upon the same principles as those of the Acts which have been already passed for England and Scotland."—*Speech of William 4th, Session* 1836.

"The Municipal Government of the cities and towns in Ireland calls for better regulation."—*Speech of her present Majesty, Session* 1837.

Lord *John Russell:* Sir, it is on the passages just read from the Speech of his late Majesty, and from that of our most gracious Queen, that I propose to found the motion which I am about to bring before the House, in doing which I do not consider it necessary for me to enter into any detail of the reasons and arguments which naturally suggest themselves. I take my ground as regards this Bill, on what has been the declaration of this House in former Sessions. The first occasion on which this measure was brought directly under the notice of the House was that in which the passage appeared in the Speech of his late Majesty, wherein he expressed his hope, that we should be enabled to base the Municipal Corporations in Ireland on similar principles to those on which the Municipal Institutions of England and Scotland had been before established. That passage, which was not intended to excite, which was not framed with an idea that it would excite, opposition, did provoke disagreement in this House, and an attempt was made, on the Address in answer to the Speech being moved, to get rid of those words which declared that the "same principles" which were applicable to England and Scotland, should be applied to Ireland. It was proposed to leave out those words, and to assure his Majesty only, that they would attend to the general defects in the institutions. Though that opposition was not expected by us, yet we did state at once, and without hesitation, that we could not consent to carry an Address to the Throne which laid it down as a principle that the Irish were unfit for that liberty which the people of England and Scotland were already enjoying. On that motion the House decided, by a majority of upwards of forty, in concurrence with the Speech of his Majesty, and against that proposition of the other side of the House, which denied altogether, that popular rights and popular control, should be the principles on which the Municipal Institutions of Ireland should be founded. I will refer further to the divisions which took place in the House during the late Session, which clearly showed the determination of the House on that important subject. The first division was on the amendment of the noble Lord, the Member for a division of Lancaster (Lord F. Egerton), who proposed, that instead of regulating and improving the Municipal Corporations of Ireland, that instead of extending to them the popular principle, they should be abolished altogether. The number who voted against that amendment was 307; the number in its favour was 243, giving a majority of 64. When, again, the other House of Parliament declared that they were of opinion, that these corporations ought to be abolished, and they sent down to this House clauses framed with considerable skill for the purpose of entirely putting an end to Corporations of any kind in Ireland, and placing the power enjoyed by those Corporations in the hands of Commissioners named by the Crown and other bodies, we contended, that the vital principle of popular control should be preserved. The division on that occasion was 318 to 232, giving us a majority of 86. In the next Session of Parliament, the Session of the present year, there was only one division on the subject. That division was taken on an instruction moved by the same noble Lord who proposed the abolition of the Corporations, when there appeared in favour of his motion 242, and against it 322, giving a majority of 80. Now, Sir, I say, that the question having thus been three times under the consideration of the House, having been proposed twice by a Member of this House, and having been a third time taken into consideration upon the amendments of the Lords, with a view to seeing whether we would concur in their opinion—I say the opinion of the late House of Commons was decidedly declared, that whatever amendments might be made as to the details of the Bill, the same principle which was acted on in framing the Municipal Corporations of England and Scotland ought likewise to be applicable to those of Ireland. Sir, I ground my present proceeding on that fact; and, until I hear that, in this House, other sentiments are entertained, I shall presume to think, that in bringing in this Bill, the present House will conform to the opinion of the late House of Commons, and that they will maintain, whether against Members of this House, or whether against Members of the other House of Parliament, that we do not consider the people of Ireland so much "aliens," as to induce us to refuse them a participation in the great privileges enjoyed by the other inhabitants of the empire. Having mentioned the number that voted for and against that measure in the last Parliament, I will state likewise the opinion of an individual, a Member of this House, which I think strongly expressive of the sentiments that were entertained by those who do not concur altogether or generally with her Majesty's Ministers. It is contained in an address to his constituents, the independent electors of the Northern Division of the county of Derby, and it is signed "George Crewe." The hon. Baronet states, that in the last year (1835), he had voted against this Bill, but that he had since that period deeply reflected on the subject, and examined it under all its bearings, and the result had been, that so far as regarded himself individually he had felt dissatisfied, and that in the present Session he could not reconcile his mind to the adoption of the plan proposed by the party with whom he generally concurred. He should, therefore, vote for the extension to the people of Ireland of the principle of the municipal corporations as they existed in England and Scotland. Now this, Sir, is the sentiment of an individual, which no doubt might be considered of little value if he had been one constantly acting with the ministerial party in this House, or if he were one of the Representatives for Ireland, contending for the privileges of his native country. But coming as it does from one who has always voted with the other party, I must consider that it shows, and that strongly, too, a great want of confidence in the course his own party have taken. I hold this to be a sufficient reason for not calling the attention of the House to either the principles or the details of the Bill which I have the honour to propose. In introducing the measure of last year I took occasion to enter into the whole question of the Government of Ireland. I did so because there had been a large meeting of persons calling themselves the Protestants of Ireland, falsely so calling themselves, inasmuch as they were but a small part of the Protestants of that country. They, however, did send forth certain denunciations against the government of Lord Mulgrave—denunciations which no Member of either House proposed to bring under the consideration of Parliament. I, therefore, myself thought it necessary to bring under the consideration of the House, at the earliest possible period, the manner in which that Government had been conducted, leaving it to the House to decide on the merits of the question according to the facts and the arguments. But that course which last year was pursued by the opposite party, and which I denounced as wanting in boldness and courage, has not been the course, I am happy to say, which has been pursued this year in either House. This year (as every one knows) they have thought proper to bring forward the charges they have to make against the Government of Lord Mulgrave directly in the other House of Parliament, and I am content to leave the defence of the Government to the impression made by Lord Mulgrave's speech on that occasion. After that speech I think it unnecessary on my part to say a single word in defence of the Government of that noble Lord. I am ready to declare now, as I have declared before, that as regards his Government I am prepared at all times to be judged by his conduct—that I hold myself responsible, so long as I am Secretary of State for the Home Department, for the general conduct of the Government of Ireland, and I shall never shrink from the defence of those acts of which Lord Mulgrave has been the author during the period of his Government in Ireland. Sir, not only with regard to this general inquiry, but in other respects, hon. Gentlemen have taken a more decided part than they did last year. They have thought proper, and I give them credit for so doing, not only to impugn the general conduct of Lord Mulgrave, but individual acts of his Government. We had the other night one of the best specimens that could be afforded of the grievous acts of partiality and oppression with which the Government of the noble Lord has been charged. For the last two or three years we have heard of nothing but the monstrous acts of oppression and the dreadful acts of partiality and injustice of which the Irish Government have been guilty; and when a question is selected to be brought forward, it is natural to suppose that hon. Gentlemen will select the strongest which they can find. It would be absurd to suppose that they would take a light case. The proceeding which was made the subject of debate the other night was, no doubt, one of the strongest which could be alleged against Lord Mulgrave, and I leave it to the impression it produced on the House to decide how far that case is to be considered as established. I leave also to the hon. and gallant Colonel who brought it forward all the glory of having so done. Such being the state of the case, I feel under no necessity at the present moment for entering into the principles and details of the Bill I propose to introduce, founded as it is on the mature deliberation of the former House of Commons. I think it equally unnecessary to enter into any defence of the Government of Lord Mulgrave—a defence which those who are his enemies have taken out of my hands, and managed a great deal better than I could hope to manage it. I, therefore, Sir, now move for leave to bring in a Bill for the better regulation of the Municipal Corporations in Ireland.

Mr. *Shaw* said, that he had listened with great attention to the noble Lord, anxious to learn something of the principle or details of the measure the noble Lord was about to introduce; but the noble Lord said something of the divisions of last year, a great deal about the case of Mr. Blake, and appealed to the sympathies of the hon. Gentlemen on his right for a cheer for Lord Mulgrave; but not one word about the Bill of which he had moved the first reading. The House would feel that that was not an appropriate occasion for him to discuss with the noble Lord the general condition and government of Ireland; but he could not avoid saying, in reply to the noble Lord's observations on the case of Mr. Blake, that that was not by any means selected as a sample of the various and just complaints which might be adduced against the Irish Government; but had merely been brought forward by his hon. and gallant Friend (Colonel Perceval) to redeem a pledge he had made to his constituents, and was of a local and personal nature. With reference to the conduct of the Irish Government, he (Mr. Shaw) would not on any proper occasion shrink from the fearless avowal and support of his opinion, in direct opposition to the praise of Lord Mulgrave, by which the noble Lord had elicited the cheers of his Irish supporters. With respect to the measure itself then under consideration, the only clue the noble Lord had given of its contents was, desiring the clerk at the table to read as well the part of the speech delivered by his late Majesty in 1836 which related to municipal corporations in Ireland, as the extract of the speech from the Throne of this Session, on the same subject, for the purpose, as he must suppose, of marking the striking distinction between them, the former having stated an objectionable principle as the foundation of the measure upon which an amendment had been moved to the address, and the House divided, whereas the latter, her present Majesty's declaration, that "the government of the cities and towns in Ireland called for better regulation," was no more than had already been affirmed by him, and those with whom he acted, in voting for the abolition of existing corporations, and pledging themselves to apply such remedies to their defects as could obviate all just causes of complaint, insure the impartial administration of justice, and provide for the good local management of the cities and towns in Ireland. He trusted that the noble Lord was prepared to proceed *pari passu* with the other two Irish measures that had been mentioned in the same paragraph of her Majesty's Speech. The noble Lord had laid upon the table a Bill for the relief of the Irish poor: of the Irish Tithe Bill the House had not as yet heard; nor one word on the untoward subject of the appropriation clause. But he was, for one, prepared to say, that if the property of the church in Ireland was placed on a secure basis, and if a standard was fixed for the franchise, independently of the oath of the voter, a custom that had led to so much evil and crime in Ireland, by the Poor-law Bill or other sufficient means, then he should desire to see those constantly-recurring and irritating Irish discussions brought to an end, and the three great Irish questions which they involved, safely, satisfactorily, and finally adjusted. He must, at the same time, observe, that, apart from political and party motives, he verily believed that there was no anxiety on the part of the Irish people generally for these new corporations. Where were the petitions or any expression of public feeling on the subject? Were they unexcited by those who only looked to ulterior objects, and desired that measure but as an instalment for their accomplishment? The sober-minded of both parties, he was persuaded, would prefer that the administration of the local affairs of the cities and towns in Ireland should be managed in a business-like and economical manner by local boards for the purpose, to being encumbered with the expense of corporate establishments, and suffering the irritation of frequent election canvassings, and the constant trials of party strength. On the other hand, perhaps an undue importance had been attached, from old associations, to the establishment of corporations, provided only that other institutions were first rendered secure, and a safe foundation was found on which to rest the elective franchise, without reference to the oath of the party seeking to establish his justification. He thought that it would be highly convenient as well as just, considering the great importance and population of the city of Dublin, and by analogy to the course pursued in London, that there should be separate legislation for the corporation of Dublin. He had taken a sheet of paper to note down the heads of the Bill as they should have been stated by the noble Lord; but as the noble Lord had not favoured the House with any account of the measure, there was nothing for him (Mr. Shaw) to note down, or consequently to say, on that point. He would, therefore, only further observe, that while he did not oppose the introduction of the measure, he reserved to himself the right to take such course as he might think fit on any of its future stages.

Leave given.

MORTGAGES ON SHIPPING.] Mr. *G. F. Young* moved for leave to bring in a Bill to amend the laws relating to mortgages of ships and vessels. It was not his intention to throw any impediment in the way of persons having property in ships, and having occasion to raise money on that property, but to put an end to fraudulent practices, which were injurious to the tradesmen who supplied ships with stores, and to those who had *bonâ fide* property in ships. He would not trouble the House with any discussion of the provisions of the Bill in that stage, but would only say, that it had the entire approval of the right hon. and learned Civilian, the Member for the Tower Hamlets.

Mr. Alderman *Thompson* said, that this Bill would have the very opposite effect to what was intended by the Bill of last year, and the measure was not at all necessary for the protection of persons advancing money by way of mortgage on ships. Every person so lending money on ships had the means of knowing whether any part of the ship was already mortgaged. There was a book at Lloyd's in which every mortgage must be entered, no mortgage being valid that was not so entered, and no fee was charged for the inspection of that book. The effect of the Bill would be to prevent shipowners from mortgaging their property with the same facility as they could at present: and as the owners of all other kinds of property, the shipowners had not been sufficiently consulted about it; still he would not oppose the motion.

Leave given.

PRESBYTERIANS (IRELAND).] Mr. *James Gibson* moved for leave to bring in a Bill to allow all Dissenters from the Established Church in Ireland, known by the name of Presbyterian Protestants, to make oath in all cases in courts of justice, and other places where an oath is required, by swearing with uplifted hand. In bringing forward this motion, he said, that his object was to allow the Presbyterians in Ireland to take oaths in the same manner that they did in Scotland. There were, he remarked, various denominations of Presbyterians in Ireland—the Presbyterians of the Synod, Seceders, Covenanters, and Remonstrants; and all these parties he meant to include in his Bill. In 1782 the Seceders had obtained an Act from the Irish Parliament, by which they were permitted, in civil cases, to swear with uplifted hands. This, however advantageous to that sect, was injurious to others, because it interfered with the common law, which permitted each to swear in that manner which was most binding upon his conscience. He referred to the minutes of the general synod held in Ireland in 1836, to show that the matter which he sought to remedy was felt by the Presbyterians to be a very great hardship upon them. He had several cases to show how it operated; but one, he thought, was sufficient—it was a case which occurred at the sessions in Belfast, where Dr. Cooke was brought forward as a witness against his own servant, accused of petty larceny; and because Dr. Cooke refused laying his hand on the gospels, and kissing the Testament, his evidence was not taken. At the assizes Dr. Cooke presented himself before the Chief Baron of the Court of Exchequer, and demanded that he might take the oath according to the form prescribed by the Church of Scotland. This was refused, and the Chief Baron referred the point to the twelve judges, who decided that the oath could not be taken in the manner he wished, and by this means a person who might have been guilty was not punished. This, then, he submitted to the House, was a state of the law which required revision. The common law of England allowed every man to be sworn in the way which was most stringent upon his conscience. Mahometans, Jews, Bramins, all were allowed to be sworn according to their peculiar creeds, and yet Presbyterians were not allowed to be sworn according to the mode of adjuration that would be most binding upon their consciences. He concluded by moving for leave to bring in the Bill.

Sir *R. Bateson*, in seconding the motion, said he was sure that no opposition would be offered to the Bill by any hon. Member on the same side of the House as himself.

Motion agreed to.

THE LATE SPEAKER.] Sir *F. Pollock,* who had given notice of his intention to call the attention of the House to the Report of the "Select Committee on the losses of the late Speaker and officers of the House by fire of the Houses of Parliament," with a view to give effect to their claims on the consideration of the House, said, he was about to move that the House should resolve itself into a Committee of the whole House; but he should, if it were necessary, state the case then upon which he meant to rely. He did not wish, however, to occupy the time of the House unnecessarily, and he should, therefore, move that they resolve themselves into a Committee of the whole House. When in Committee it was his intention to move for an Address to her Majesty, praying for compensation to the late Speaker and other officers for losses sustained by the burning of the Houses of Parliament.

Mr. *Hume* hoped, that some reason would be assigned for such a motion.

Sir *F. Pollock* had, he said, no objection to state it at any length which the hon. Member might wish. The reason why he did not at once state the reasons for submitting his motion was, that he did not wish to make the matter the subject of a double debate. If it were, however, the general sense of the House, he should proceed to the discussion; though he should prefer the House resolving itself into a Committee.

The *Chancellor of the Exchequer* thought, that if an objection were taken to the proposition on the matter of principle, then that would be the proper time for the discussion; but if the objection were only to the amount of the vote, then they might go at once into Committee and consider what that amount ought to be. He for one was prepared to say this, that after due inquiry, after the evidence that had been given, and after an attentive consideration of the report which he held in his hand, he had come to the conclusion that there was an insuperable objection to the principle for which the hon. Member contended, and he was prepared to oppose the Speaker leaving the chair. Entertaining such an opinion, he considered that the discussion ought then to be proceeded with.

Sir *F. Pollock* would then shortly relate to the House the circumstances under which Lord Canterbury sustained losses to the amount of several thousand pounds. During the whole time that that noble Lord had been Speaker of that House he had been under the necessity of occupying a part of the buildings attached to that House, and of being there with his family. For the purposes of maintaining the hospitality connected with his station, Lord Canterbury had been under the necessity of living in a style of splendour and magnificence. According to the report which he held in his hand, it appeared that in October, 1834, during the absence of Lord Canterbury, his residence was burned down, and the furniture, &c., materially damaged, the greater portion being entirely destroyed. Under these circumstances he had to present the case of Lord Canterbury to the House as one highly deserving of their consideration. He would state very shortly the grounds on which he thought the claim of Lord Canterbury to compensation rested. He thought it sufficient to state that Lord Canterbury was a public servant of this country, compelled to reside in a certain house at a great expense, and that he had incurred a loss of many thousands in consequence of that house having been destroyed by fire, through the negligence of other public servants over whom he had no control. He would remind the House of what had been said on this subject in the last Session of Parliament by the hon. Member for one division of the county of Durham (Mr. Pease). That hon. Member said, that in any case where a servant of his occupied a house or part of a house, and a fire broke out, not through his negligence, but in a separate part of the premises, he should consider himself bound not to inquire whether the party had insured or not, but to grant him compensation. He would say a single word on what he considered to be the common law of the case. By the common law of England, the late Speaker, having lost his property by a fire which originated elsewhere than in his own house, and through the negligence of persons over whom he had neither a direct nor indirect control, was entitled to redress somewhere. He would not take up the time of the House in citing authorities—he would merely mention to the Attorney-General where they were to be found, namely in Comyn's Digest, letter A, number 6. It was there distinctly laid down, that an action on the case would lie against the owner and occupier of a house if a fire broke out there and destroyed the house of his neighbour. This was the state of the law before the statute of Anne.

It was clear, therefore, that in the case of a private individual a right of action would lie; and could the House, either in generosity or justice, say, because there might be a technical difficulty in bringing the action in respect of premises occupied under the Crown, that, therefore, the Speaker was to be disentitled? The right of parties to obtain compensation for losses occasioned by fire was regulated by the 6th of Anne, c. 81, s. 6; which statute was rendered perpetual by the 10th Anne. That statute enacted that no action, suit, or process should be had, or obtained, or prosecuted against any person in whose house or chamber any fire should accidentally begin, in consequence of damage occasioned by such fire. This Act only applied to houses and chambers, the object of it being to protect persons against domestic accidents. The case of factories did not come within the statute of Anne, neither did the case of warehouses, &c. But by the Building Act it was required that party-walls should be erected between every building. There was a remarkable provision in the Building Act, which provided that the operation of the Act should not extend to any of the royal palaces. By the 69th section, it was provided that nothing in the act should be construed to extend to any of the King's royal palaces, or to any house or building in the possession of the King, his heirs, or successors, or to any house employed in his use or service. There was good sense, reason, and justice in making this provision with respect to party-walls; and if the residence of Lord Canterbury had not formed part of a royal palace, and if the Building Act had been or could have been enforced, the fire would not have extended to the Speaker's house. Lord Canterbury being thus compelled to occupy a portion of a royal palace, in which, through the gross negligence of others, a fire originated, had become a sufferer to a great extent. He was aware that in the last Parliament, when there had been some opposition offered to this claim, it was asked was Lord Canterbury insured? To this he would give two answers. At the time the fire happened, in point of fact, the place was not insured; but he begged to say that Lord Canterbury was under no obligation to be insured in respect of this House. If Lord Canterbury, in virtue of his office, had been giving a dinner party to the Members of the House of Commons, and had found his house on fire and his property destroyed, and then had come to the House for compensation, that House might ask him why he had not insured? But Lord Canterbury had a perfect right to take upon himself his own domestic risks, and he had an equal right to call upon the House to protect him against consequences arising from the negligence of other servants of the Crown. If the negligence had been Lord Canterbury's own, he could understand the argument respecting his not being insured; but another argument arose on this point. Even if Lord Canterbury had been insured, his policy would not have been worth one farthing in point of law, as from the negligent construction of the premises, forming, as they did, part of the royal palace, and from the mixture of bricks and wood, there was in reality no party-wall within the meaning of the Act. The late Speaker had, for fifteen years, insured this property. He retired from the chair, not expecting that he should be called upon to fill it again, and his insurance had, therefore, been permitted to expire. The circumstances under which he had resumed the Chair at the request of Government, were well known; but even then, the late Speaker expected to remain in the Chair but a short time, and this was the reason why he did not insure. But if he had insured, the insurance company would have been under no obligation to pay the amount of the policy, inasmuch as the conditions of an insurance policy were not complied with. It might be said, that no insurance establishment would make the objection. That might be so; but in that case, the late Speaker would have received a certain sum of money, not by right, but as a matter of grace and favour at the hands of the insurance company. But even in that case, he was not sure that a public insurance company, in thus awarding money, would not be guilty of a breach of faith to the shareholders. He would, however, be glad to ask this question—"What could the late Speaker expect from any body of men whatever, if he could not expect it from that House?" He would ask hon. Members on both sides of the House this question—"If the fire had occurred, and the late Speaker had been insured, and the policy had been declared void; if the late Speaker were compelled to throw himself on the mercy of any assembly, what assembly should it be if not that House?" He had no doubt, at the same time, but that it was optional for the late Speaker to insure. The owner of a ship generally insured, but he was not bound to do so. Suppose such a person, without insuring, were run down by the negligence of another vessel, was it any answer to say, when the injured man came into a court of law to claim compensation, "Why did you not insure?" He had a right to say, that he had confidence in his own watchfulness and care to preserve his vessel, but he did not expect to be run down by others. This illustrated what he considered to be the state of the present case, and upon these grounds he was willing to present the case to the attention of the House. He had no complaint to make against his right hon. Friend, the Chancellor of the Exchequer, or against her Majesty's Ministers, as he had no doubt they were discharging what they sincerely believed to be their duty, in endeavouring to learn what was the sense of the House with respect to this claim. He was inclined to rest the case upon its legal rights; but whether hon. Members looked upon it as a matter of right, or as one of grace and favour, or whether they referred to the particular circumstances of the case, or to the circumstances under which the late Speaker was called up to fill the Chair, on all and each of these grounds he felt it was a case in which justice and good faith were involved; and he therefore hoped that the House would support his motion for going into Committee.

The *Chancellor of the Exchequer* said, that it was at all times painful to interpose any difficulties in the way of a grant, but it was particularly unpleasant in the case of the noble Lord, at whose hands, during the many years he had presided over the deliberations of that House, he had had so many opportunities of experiencing kindness. His feelings of respect towards the late Speaker, were felt by other Members of that House, and on their behalf, as well as his own, he protested against any inference that might be drawn as to those feelings from the vote which he, for one, and others believed themselves bound to give on this question. If it had been a question of regard—if it had been a question of voting this money to the late Speaker, independently of the principle involved in it, he, for one, should have been happy to have had an opportunity of agreeing in the motion. But the question was, whether, upon the facts set forth in evidence, the House would be warranted in granting the sum of public money claimed? His hon. and learned Friend, knew, he said, no cause to reproach him with the course he had taken. He hoped, that the House would find no reason to complain of the course he was about to take—a course which would stand justified on the grounds of public duty. This subject had come under the consideration of the last Parliament. On that occasion, his hon. and learned Friend introduced the matter to the attention of the House. He then stated, that the Government having had the question before them, did not feel justified, on their own authority, in awarding compensation to the late Speaker, but that, considering the circumstances under which the loss had been sustained, they did not consider it an unfit subject for the consideration of the House itself. Under these circumstances, the subject was brought forward. It was found, in the course of the debates, that matters of fact, as well as of law, were very much in dispute. It was then suggested that the matter should be referred to a Select Committee, impartially constituted, and which within a short period, would have the power of forming a just decision. The appointment of the Committee was opposed by those Gentlemen who were adverse to the grant. It was, however, appointed; they had reported the evidence, and upon that evidence, the House was now called upon to decide. What, then, were the facts of the case, and what were the principles involved in it? It appeared that the late Speaker, during the many successive years that he had occupied the chair of that House, had insured his property. He thought, that this fact met something of the argument of the hon. and learned Member. Undoubtedly, the late Speaker was not bound to insure; he was not compelled to insure; but, if he did not insure, the risk was his own. But the hon. and learned gentleman said, that he was not bound to insure against risks brought on by acts of other parties. Now he would appeal to any Members of that House connected with insurance companies, whether such a distinction had ever been made? It was impossible. Suppose the fire had occurred during the period the late Speaker was insured, would the circumstance of the origin of the fire deprive the late Speaker of the benefit of the insurance? He would be paid the amount of the insurance, whether the cause of the fire originated in the burning of tally-sticks or in his own house. They had the authority of Lord Canterbury himself, that during a period of many years he did insure; but the hon. and learned gentleman had stated, that no office in London was bound to pay the insurance. He begged the House to notice upon what fallacies the hon. and learned Member had rested his whole case. These fallacies of which he complained were contradicted by the very evidence which the hon. and learned Member held in his hand. Did the hon. and learned Gentleman mean to say that the insurance company would not be bound to pay? They had it distinctly in evidence in page 6 of the printed minutes, that it was stated by one of the officers connected with the very company in which Lord Canterbury had insured, that the practice of the company was, in case of a defect in the policy like the present, that a statement of the facts should be presented to the court of directors, by whom it would be taken into consideration, and in most cases favourably received, wherever it was proved to the court that the deviation was not known to the party who had made the contract. Now, there was no suggestion that the deviation, in the present instance, was known to Lord Canterbury; and there could be no doubt, therefore, that if he had continued his insurance, the insurance company would not have hesitated for a single moment to pay. But this was not all. There was a further question and answer in respect of the mode adopted at insurance-offices. The witness was asked, whether a party by such a deviation would forfeit his legal right? The answer was, certainly not. He was then asked, whether the paying the money was a matter of grace or a matter of right? The answer was, decidedly; if the person deviated from the contract, he must come before the company for mercy. He sometimes found hon. and even learned Gentlemen weakening their case by asking a question too much, and the present was a marvellous instance of the impolicy of asking too many questions, for the next question was, "In those cases where you extend grace and favour, does the amount at all affect their decision?" The answer was, "Not at all, whether the sum be 5,000*l.* or 6,000*l.*, or any other sum; if the case should be taken into favourable consideration, we look at the principle, and not to the amount." The next question was, "What is that principle?" "That it should be proved to the satisfaction of the court of directors, that the deviation was not known to the party making the contract." But was it suggested that the deviation was known to Lord Canterbury, and could there, then, be the least doubt but that his claim would have met with a favourable consideration from the insurance company, if he had been in a situation to bring it forward? But he begged to call the attention of the House peculiarly to this. Was Lord Canterbury the only person who came under the category of claimants? Was there no body else in the same situation, whose case ran upon all fours with the case of Lord Canterbury? Was there nobody whose case came before the insurance company, and in which they had the decision of an insurance company, and from which decision they would have a right to infer what would have been the decision in Lord Canterbury's case. He would pass from Lord Canterbury to a very worthy and excellent officer, Mr. Bellamy. That gentleman was an officer of the House of Commons, and had also a deviation in his policy; so that, in this respect, his case and Lord Canterbury's were exactly alike. He had suffered loss by the fire as well as Lord Canterbury. So far their cases were identical. Mr. Bellamy had, however, insured, as Lord Canterbury repeatedly had done before, but which latterly he had ceased to do. Mr. Bellamy applied to the insurance office, and was paid the whole amount of his policy without any difficulty being raised; on the contrary, the amount was paid readily and cheerfully. Was there a man, then, who could doubt, if Lord Canterbury had insured as Mr. Bellamy had done, whether the result to Lord Canterbury would have been the same as to Mr. Bellamy. His not being insured, therefore, was owing to the neglect or forgetfulness of Lord Canterbury himself. It might be stated, that there were particular grounds which entitled Lord Canterbury to a distinction which did not apply to the other case. He had endeavoured to show that, if Lord Canterbury wished to be protected, he ought to have insured. He had shown, by the evidence of an officer of the company with whom Lord Canterbury had before insured, that, if he had continued to insure, even as a matter of grace, a favourable consideration would have been extended to him; and the example of Mr. Bellamy showed that this was no hypothetical case, but one of absolute demonstration. It was stated, that there were two precedents to justify the present claim, namely, one with respect to Sir Robert Gordon, and the other with respect to the fire in St.

James's Palace. Now, neither the one nor the other applied in the slightest degree to the present case. In Sir Robert Gordon's case there was a distinction which was perfectly obvious. The case gave rise to a great deal of discussion, and was only decided after a great deal of difficulty, but the point upon which the decision in that case turned was this, that the property was situated at Constantinople, where Sir Robert Gordon had no power to insure his property, and therefore he had a right to come upon the public for some degree of protection. But what did the House do? They did not give the full amount—they merely gave the amount of the outlay. In the case of the fire in St. James's Palace, there was this distinction, that the loss fell upon the domestic servants, and it was an act of bounty on the part of the Crown to make the compensation then granted out of the civil list. But supposing they granted the present claim, see to what the principle would lead. There were a great many public buildings in the country, in which officers were compelled to reside; these officers were distributed throughout the whole country, in the revenue, the excise, the Post-office departments, as well as in the barracks. Now every one of those officers at present, as a matter of common prudence, insured the property of which he was possessed; but if they were to affirm the principle that every individual thus compelled to reside in a public building was to be relieved from the necessity of insuring his property, he would undertake to say that they would have abundance of claims like the present brought forward. On these grounds he felt bound, as a matter of principle, to resist the present motion. He thought it right, however, before he sat down, to advert to the particular circumstances of Lord Canterbury's case. It was stated by Lord Canterbury in his evidence that as long as he considered himself permanently in the service of the House of Commons, so long he insured his property; and that he discontinued insuring it when, not of his own seeking, but at the request of the Government and for the public convenience, he, not permanently, but for a temporary purpose, resumed his functions. This was the real point of the case. But there was no ground whatever for saying that if Lord Canterbury came back for a year or a session it was not optional with him to insure; so that such a reason for acceding to the present motion—although he stated it that Gentlemen discussing this question might not overlook any point bearing upon it—was altogether untenable. He could only repeat, in sitting down, that as a matter personally affecting Lord Canterbury it would have been exceedingly gratifying to him if he could fairly and justly accede to the present proposition; but having opposed it as a member of the Board of Treasury, and the question having been referred to a Committee of that House—having before him the evidence of that Committee, which, so far from supporting this claim, in his judgment, negatived it—and finding, further, that this principle could not be carried without being followed by consequences full of mischief, he was compelled, however reluctantly, to say no to the proposition of the hon. and learned Gentleman.

Mr. *Warburton* entirely agreed with the observations which had fallen from the right hon. Gentleman, the Chancellor of the Exchequer. He adhered to the ground which he had taken last Session in opposition to the present motion, and that was, that the House of Commons should not show greater favour to Lord Canterbury than they would be disposed to do to any other individual. He thought they were disposed to act in the manner which he had pointed out; at least he was of that opinion last Session; and from the papers laid before the House he was inclined to form the opinion that the Members of the House of Commons and of the Government—he meant the Government of the right hon. Baronet (Sir R. Peel)—took that unfair view of the subject. He alluded to circumstances which came incidentally before the House in an appendix to the report of the Committee which investigated this case. He must say that if any one transaction deserved to be characterised by the name of a downright job, that to which he was about to refer came under that designation. It appeared that after the fire had taken place, and that the whole house of the Speaker was in a dilapidated state, an application had been made by Lord Canterbury the Treasury to purchase eight chairs, two screens, and two sofas, for the sum of 500 guineas, that he had given for them. These eight chairs, two screens, and two sofas had been purchased from Lord Gwydyr, who claimed them as a perquisite, because at the coronation of his Majesty George the 4th, that monarch had slept in that House the day preceding his coronation, and this event, by some old grant, bestowed the property on the individual who held the office which the noble Lord to whom he referred filled. The demand was made before the Court of Claims and granted. The late Speaker having purchased this furniture, it was preserved after a fire took place on the premises; and in order to make it available to the new Speaker, it would be necessary to build a house to suit the furniture, and not the furniture the house. This offer was made during the short administration of the right hon. Baronet, and it seemed to have been accepted, and on the very point of being concluded, when a change in the administration took place. And thus was the most arrant job that was ever attempted to be perpetrated by any Government defeated. Having, then, this proof that there was a greater disposition to favour Lord Canterbury than any other person, he asked hon. Members not to outrage their own feelings of justice by voting unjustly towards others; and he begged of them, as they regulated their conduct by the rule of acting, *nec prece nec pretio*, not to suffer their sense of the hospitality and urbanity of the late Speaker, which he cheerfully acknowledged, to lead them into the commission of an unjustifiable act. One of the arguments used in support of this claim was, that in consequence of the neglect of the Government officers with respect to a party-wall, the premises were rendered uninsurable, and Lord Canterbury was consequently entitled to compensation. Now, in the first place, they were not uninsurable; and if Lord Canterbury had acted the part of a prudent man, he would have compelled the Government officers to save him from the liability to which their neglect exposed him. But suppose the property was uninsurable, were the Government, therefore, bound to compensate the party for their act? He would give them an instance in which it was proved that they did not consider themselves thus liable. The case to which he alluded was that which he had submitted last night, and in which money had been paid into the Treasury for the express purpose of relieving the suffering party. By the act of the Government the straits of Copenhagen were seized, and the ships that had to go up the Baltic, in consequence of his Majesty's fleet having quitted Copenhagen, were taken as it were in a trap, and wholly prevented from insuring their property. When these parties came forward and asked to be compensated, so far from the act of the Government being allowed as a valid ground for acceding to their claim, this was the very class that was excluded from relief. He, therefore, contended that, even where the act of the Government made property uninsurable, it was not their habit to grant compensation.

Sir *E. Sugden* hoped that the fears of the hon. Member for Bridport with regard to his clients' chance of compensation would not be further entertained after that night's discussion, and that he would be persuaded that the Treasury was fully competent to meet that as well as the present claim. At all events, he thought that the reasoning of the hon. Gentleman was somewhat singular, and tended to press personally and severely on Lord Canterbury, to whom every Member of that House was deeply indebted for his impartiality and courtesy in performing the duties of Speaker. The hon. Gentleman asked whether it was intended that the present motion should be considered as a matter of favour. Why, no man doubted that this claim to compensation was urged as a matter of favour. No one rested it on the ground of absolute right. His hon. and learned Friend who introduced the motion showed how the legal right would have existed, and how very nice a point it was to say whether, in point of law, Lord Canterbury was not entitled to compensation. He gave the right hon. Gentleman, the Chancellor of the Exchequer, full credit for entertaining the feelings which he had expressed with regard to Lord Canterbury; and he could not help thinking that the course which the right hon. Gentleman took was dictated rather by his sense of the duty which devolved on him in his present position than by his own intimate conviction. He thought it was most unreasonably feared that this case might be drawn into a precedent. The offices of other public servants were not at all analogous to that which the Speaker of that House filled. He put it to every hon. Member in that House whether there did not exist a feeling of generosity towards the man who was placed in the exalted position of Chairman of the congregated Representatives of the people; whether there was not, in fact, an acknowledged title to favour and consideration in the case of such a man to which no other public officer could possibly pretend. He was persuaded, therefore, that if this claim were acceded to as a matter of grace, it would never lead to inconvenience as a precedent. Much stress had been laid on the allowance made to Mr. Bellamy by the insurance office at which he had insured. It did not, however, follow, that the company at which Lord Canterbury might have insured would have followed the example thus set, because the buildings differed in situation and in description. He believed that no Gentleman in that House or in the country would hesitate to compensate his steward, if by no act of his own, but through the intercession of his master, he was induced to continue in the occupation of premises which, being destroyed by accident subjected him to a loss of property. He appealed to the House, then, whether they would refuse to act in a gracious manner towards one who had long presided over their deliberations, and the justice of whose case was at least as strong as those which the hon. Member for Bridport had last night advocated.

Mr. *Hume* was rather surprised to hear the right hon. and learned Gentleman complain of the allusion which his hon. Friend (Mr. Warburton) had made to the purchase by the late Speaker of the eight chairs and the two sofas.

Sir *E. Sugden:* I never referred to chairs or sofas at all.

Mr. *Hume* should be glad to know, then, why the right hon. and learned Gentleman had at all reflected on the course of argument pursued by his hon. Friend. His hon. Friend had adduced a case which, in his opinion, was an apt illustration of Tory jobbing, and which certainly called for explanation from the noble Lord opposite (Lord G. Somerset) who was Commissioner of Woods and Forests under the Administration of the right hon. Baronet, the Member for Tamworth. He did not blame Lord Canterbury for getting what he could; but he considered the conduct of the noble Lord opposite highly censurable in promising five hundred guineas for five old chairs and three old screens, in order that they might be retained until a new Speaker was appointed, and a new House built. The case which his hon. Friend had laid before them was the most arrant job which had ever come under his knowledge. He had assisted in raking up many jobs in that House, but he ventured to say that a more disgraceful one than that which had been that night submitted was never yet disclosed. The Government of Lord Melbourne presented in this instance a strong contrast to that of the right hon. Member for Tamworth, inasmach as it demonstrated how anxious the existing administration was not to yield to the claim of any one as a matter of favour, but to rest every case upon its merits. This was rather a strange time for bringing forward such a claim. The fire took place in October, 1834, and no demand for compensation was made until April, 1837. He understood the right hon. and learned Gentleman, Sir E. Sugden, had abandoned the law of the case, though it had been mainly relied upon by the hon. and learned Gentleman who made the motion. "We give up," said the hon. and learned Gentleman, "our right as legal claimants, but we ask you to be generous in your conduct towards a public servant." Now he told the right hon. and learned Gentleman that he ought to be just before he was generous. No man had a right to be generous with the public money. That was a doctrine which he could never admit, acting in his capacity of trustee of the public. Supposing, then, that Lord Canterbury appealed to them *in forma pauperis,* what could be produced to establish such a demand? Why should they be generous? Why should they give away the money of the people unjustly, and establish the precedent of partiality? He repudiated altogether the right of any Member of Parliament to be generous. Of the urbanity and impartiality of the late Speaker it was unnecessary to say more than that every Member, young and old, preserved a strong sense of them; and as for himself, he had ever had kind and generous feelings towards him. That generosity shall not, however, be exercised at the expense of the people. It was very easy for hon. Members opposite to give to their extravagant acts the praise of generosity; but if they had such a very strong regard for Lord Canterbury, why not put their hands to their pockets and pay him the amount of his claim? He was, in the present circumstances of the case, compelled to ask, what right had Lord Canterbury to appeal to the generosity of the public? His office was worth 7,000*l.* a-year, with house and every convenience. The noble Lord then retired on an allowance of 4,000*l.* a-year, whilst his son would gain, under a Bill to which he had in that House given the most strenuous opposition, and which was forced through Parliament in the most unusual manner, a sinecure in the Prerogative Court of Canterbury of 10,000*l.* a-year. If any individual, therefore, received full and ample compensation for his public services it was Lord Canterbury. He trusted the House would not countenance a proposition which would establish a bad precedent.

Mr. *Pease* was convinced, by much consideration of this case, he ought to support a proposition similar to that which was now submitted; and, under all its circumstances, he saw no reason for changing that opinion. He was not swayed by feelings of private friendship or by the recollection of hospitality. He had never partaken of the one or received the other; and the view which he felt bound to take, in opposition to those with whom he generally acted, was founded upon a sense of justice, and of the propriety of the course which he adopted, if called for in a case in which he was himself personally interested.

Mr. *F. Baring* meant to detain the House with but a very few observations, as the legal question which arose out of the case had been completely answered by his right hon. Friend, the Chancellor of the Exchequer. If the question were one purely of law, the arguments which bore upon it might be much more conveniently urged before a legal tribunal than in that House. But the right hon. and learned Gentleman (Sir E. Sugden) had said, "This is a case calling for an act of peculiar grace and favour towards an officer of the House of Commons, and, as such, placed in a superior position to all other public servants —who has served you faithfully for a long series of years." He must venture to request the House to be a little cautious how they admitted that principle. He for one could not admit that those who served that House should be favoured beyond those public officers who were not equally fortunate in point of emolument or of the distinction of their position. He knew of cases of great hardship which occurred with respect to persons in public situations. He would mention one which occurred by the destruction of the Kent East Indiaman. After the occurrence of that event the officers were told that they could not receive anything more than the sum which, upon a strict calculation of their services, they were entitled to. He knew how invidious was the position of the Ministers of the Crown when the dictates of their duty required them to adhere to harsh official rule in opposition to humane and generous appeals; but he submitted to hon. Members how far it would be expedient for them, how far it would look well in the eyes of public officers or of the community, if they proclaimed this practice—" Here is a servant of our own, and we will treat him differently from other public servants. This was a case which had received much deliberation, and was sifted with the more care as Lord Canterbury was politically opposed to the Government; but he felt bound to declare that the claim urged in it was not established, and that if he were to give way to it he must also sanction other demands which might be urged incessantly upon the House as often as a public servant fancied himself aggrieved by the Government.

Colonel *Sibthorp* agreed with the hon. Member for Durham (Mr. Pease). The hon. Gentleman who spoke last asked what right Lord Canterbury had to any peculiar mark of favour from that House? He would answer that question by a quotation from the evidence before the Committee. Lord Canterbury, being under examination, said, "I received a letter from the present Lord Spencer, then Lord Althorp, saying that Lord Grey and his colleagues requested that, as I was returned to Parliament, I would retake the chair that Session, in order that the House should have the benefit of fifteen years' experience."

Sir *Robert Peel* must, in the first place, state his sincere conviction that the opposition given by her present Majesty's Government to the present motion was free from the alloy of any political feeling, but that it was offered under the impression that imperative duty required them to act as they had done. He was desirous of removing a prejudice to the consideration of this claim which was attempted to be raised by the hon. Member for Bridport. The consideration of that point had nothing whatever to do with the matter properly before the House; but as the hon. Member had thought proper to attach to it the epithet "job," and, as if this term applied, he was, as forming part of the administration when the transaction took place, more or less implicated in it, he begged the indulgence of the House for a few moments while he endeavoured to place it in its true light. Previously to the coronation of George 4th, certain rooms connected with the Houses of Parliament, being royal property and furnished by the Crown, were attached to the official residence of the Speaker, and were by him used as reception rooms for the House of Commons when they visited him. They did not in the slightest degree contribute to the comfort of the Speaker; but on state occasions were, as well as the furniture, used by him when holding levees. During the coronation of George the 4th, these rooms were occupied by the Crown, and upon its conclusion the Great Chamberlain laid claim to the furniture; and upon investigation of his demand by the Court of Claims, it was awarded to him. Lord Canterbury (the then Speaker), instead of going to the Treasury and complaining that he had been deprived of the use of the furnture, and urging that he could not, in its absence, entertain the House of Commons as he had been accustomed to do, or call upon them to re-purchase the property, generously determined upon making a sacrifice to keep up his state, and, without referring to any party, stepped forward to purchase the furniture from the Great Chamberlain. The Parliament Houses were burned, and all that remained after the fire was this very furniture so purchased by Lord Canterbury. Seeing this, the Treasury, taking into consideration all the circumstances — considering in the first place, that for a long period the Speaker of the House of Commons, *virtute officii*, had had the care of this furniture, and that upon its being declared after the coronation no longer the property of the Crown, but of the Great Chamberlain, he had purchased it, not for his own comfort, but to enable him to receive the House of Commons as he had been accustomed—the Treasury determined, not upon giving Lord Canterbury the price he had paid for them, but upon having them valued by an upholsterer, and then giving him for them the sum which this person should decide as being their actual worth. Now in how far this transaction deserved the term job he left to the House to decide. With respect to the case under the consideration of the House, it would be affectation in him not to say that he thought it one of considerable difficulty. Thus much he would say, that had Lord Canterbury sought to remain in the office of Speaker, or had he continued in it without the expression of any wish to be permitted to retire, and, having insured for fifteen years, had discontinued without any visible motive, he did not think the noble Lord would have any valid claim. He admitted that the strong point against the claim was the discontinuance of the insurance. But what were the facts of the case? In 1832 Lord Canterbury, after seventeen years service in the office of Speaker, contemplated retiring, on the ground of indisposition entailed upon him by a constant attendance to the duties of his situation. He communicated his intention to Lord Grey, and in consequence, in the year 1832, Parliament on the recommendation of the law officers of the Crown, passed an Act securing to him the usual retiring allowance. A general election soon after took place, and Lord Canterbury having been returned to the new Parliament, Lords Grey and Althorp, on the part of the Government of the day, signified to him their wish—a wish which they alleged was entirely founded on considerations connected with the public service—that for one Session at least he should continue to occupy the Speaker's chair. Previous to this application he had discontinued paying the insurance on the furniture in the official residence, and calculating that his retention of office would be at most a year, he did not think it worth while to renew his insurance. Now, he put it to every Gentleman present if under similar circumstances, he would not have acted in the same manner. But, unfortunately, during this very year of discontinued insurance the fire took place, not originating, be it observed, in the Speaker's house, but in a distant part of the building; and the property having been destroyed, Lord Canterbury thought proper to present the matter to the House, not as a claim of right, but as the claim of the first servant of the House of Commons, praying for a generous consideration of his case. (He Sir Robert Peel) felt disposed warmly to support the claim. It appeared to him that the House of Commons stood completely in the situation of the Crown, and Lord Canterbury in that of a servant of the Crown, and he saw no more reason why the one should receive compensation in such a case as the present more than the other. In the case of the Crown the civil list would have been made available. He did not see why in the present instance the public funds, which represented the civil list of the House of Commons, should not become so. In a matter of this kind, which was not a matter of strict law, and looking to the peculiar circumstances of the case, which was not likely to be drawn into a precedent, he thought that the generous test applied by the hon. Member for South Durham was after all the best. The appeal made by that hon. Member was not to be defeated by the cold and calculating question put by the hon. Member for Middlesex—he meant Kilkenny—who asked, "What right had they to be generous?" There were some occasions when generosity, though not perhaps required by the strict letter of the law, was most consonant with the honour and permanent interest of a great country. Let that House put itself in the place of a master in the present case; let it suppose itself in the situation of a private individual, whose steward had, on account of indisposition incurred in service, demanded permission to retire, but who, at the urgent request of his master, continued in office, to his own great inconvenience. Let the House further suppose, that this servant, after a short period, suffered a loss in consequence of a calamity for which he was not in the slightest degree responsible; and he then asked, whether it would not be consistent with justice, if not with law, to take an equitable view of the case? It was on this ground, that looking to all the various circumstances of the case, and considering that it was not likely to occur again, he should, not concealing from himself the difficulties of the question, but consulting the dictates of a liberal and generous justice, vote in favour, not of the grant of any particular sum of money, but of the motion for a Committee made by his hon. and learned Friend.

The *Solicitor-General* was glad to perceive, from the speech of the right hon. Baronet who had preceded him, that the question of right in the case under consideration was abandoned, and that it now stood in the only position it could reasonably present itself, namely, as an appeal to the generosity of the House. In this point of view, he was willing to enter upon its consideration; and having said so much, and dissenting entirely from the position of his hon. Friend, the Member for Kilkenny, that Parliament had no right to be generous, he expected a favourable construction would be put upon his words when he stated, that upon this very ground of generosity, he felt bound to oppose the proposition under discussion. It was a very easy thing to be generous with other people's money; but he feared the public would be a little suspicious of the disinterestedness of the House, should they find that a different measure of justice was dealt out to Lord Canterbury, on the ground that he was a servant of the House, than that which the Government was almost every day, on equally, if not better founded cases, meting to humbler individuals. The right hon. Baronet had asked them, how they would individually act if the case of Lord Canterbury was the case of their private steward? Certainly, before he allowed his generosity to act, he should ask himself, had his servant done that which it was reasonable in him to expect he should do. Now, had Lord Canterbury done so? In his opinion he had not. In 1832, at the end of the year, he ceased paying the instalments on his insurance, having, as he alleged, the intention to retire. He, however, did not retire, and allowed all the years 1833 and 1834, up to the time of the fire, to pass over without renewing his insurance. Had the fire taken place immediately after he had been invited to return to the chair by Lords Grey and Althorp, and before he had time to arrange himself in the office, then the case would be different; but, as it was, a long period had been allowed to elapse, and even at the time the fire did take place, the noble Lord did not contemplate carrying into effect his plan of retirement. It was for this reason he had come to the conclusion that there had been such neglect on the part of Lord Canterbury as disentitled him to the favourable consideration of the House, and he, therefore, would resist the motion which his hon. and learned Friend had introduced.

The House divided—Ayes 163; Noes 173: Majority 10.

List of the Ayes.

Acland, Sir T.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alexander, Viscount
Attwood, W.
Baillie, H. D.
Baker, E.
Bannerman, Alex.
Baring, H. B.
Barneby, J.
Barrington, Viscount
Bateman, J.
Bateson, Sir R.
Bentinck, Lord G.
Bethell, R.
Blair, J.
Blennerhasset, A.
Bolling, W.
Borthwick, P.
Broadley, H.
Broadwood, H.
Buller, Charles
Buller, Sir J. Y.
Burr, D. H. D.
Canning, Sir S.
Cantelupe, Visct.
Castlereagh, Visct.
Chandos, Marquess of
Christopher, R. A.
Chute, W. L. W.
Clive, hon. R. H.
Conolly, E. M.
Copeland, W. T.
Courtenay, P.
Creswell, C.
Crewe, Sir G.
Dalrymple, Sir A.
Darby, G.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
East, J. B.
Eaton, R. J.
Ellis, J.
Estcourt, T. G. B.
Estcourt, T. H. S.
Farnham, E. B.
Fergusson, R. C.
Fitzroy, hon. H.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Freshfield, J.
Gibson, T.
Gordon, hon. Captain
Gore, J. R. O.
Goulburn, H.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Hardinge, Sir H.
Herries, rt. hon. J. C.
Hillsborough, Earl of

Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, G. W.
Hope, H. T.
Houldsworth, T.
Howard, W.
Hughes, W. B.
Humphrey, John
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Serjeant
James, Sir W. C.
Jenkins, R.
Jermyn, Earl of
Johnstone, H.
Jolliffe, Sir W.
Jones, J.
Kemble, H.
Kerrison, Sir E.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Liddell, H. T.
Litton, E.
Lockhart, A. M.
Logan, H.
Lowther, Viscount
Lucas, Edward
Lygon, General
Lynch, A. H.
Mackenzie, T.
Mackenzie, W. F.
Marton, G.
Maule, W. H.
Maunsell, T. P.
Maxwell, H.
Miles, W.
Miles, P. W. S.
Miller, Wm. Henry
Milnes, R. M.
Neeld, J.
Norreys, Lord
Packe, C. W.
Pakington, J. S.
Parker, M.
Parker, R. T.
Patten, J. W.
Pease, J.
Peel, rt. hon. Sir R.
Peel, Colonel J.
Pemberton, T.
Perceval, Colonel
Planta, J.
Powerscourt, Lord
Praed, Winthrop M.
Pringle, A.
Pusey, P.
Rae, Sir W., Bart.
Ramsay, Lord
Reid, Sir J. R.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, George
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scarlett, hon. R.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Slaney, R. A.
Smith, Abel
Somerset, Lord G.
St. Paul, H.
Stuart, H.
Sugden, Sir E.
Talfourd, Sergeant
Tancred, H. W.
Thompson, Alderman
Trench, Sir F.
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Wall, C. B.
Wilberforce, W.
Yorke, hon. E. T.

TELLERS.

Fremantle, Sir T. W.
Pollock, Sir F.

List of the NOES.

Aglionby, H. A.
Anson, Sir George
Archbold, R.
Attwood, T.
Barnard, E. G.
Barron, H.
Beamish, F. B.
Bellew, R. M.
Benett, J.
Berkeley, hon. F.
Bewes, T.
Blackett, C.
Blake, W. J.
Blake, M. J,
Blewitt, R. J.
Blunt, Sir C.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Brownrigg, S.
Bryan, G,
Bulwer, E. L.
Busfield, W.
Butler, hon. P.
Callaghan, D,
Chalmers, P.
Chapman, M. L.
Chichester, J. P. B.
Clay, W.
Collier, John
Collins, W.
Craig, W. G.
Crompton, S.
Currie, Raikes
Curry, W.
Dalmeny, Lord
Davies, T. H.
Dennistoun, J.
Duckworth, S.
Duff, James
Duke, Sir J.
Duncan, Viscount
Dundas, C. W. D.
Dundas, F.
Dunlop, J.
Easthope, J.
Elliot, hon. J. C.
Erle, W.
Evans, Colonel de L.
Evans, G.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzroy, Lord C.
Fitzsimon, N.
Fort, J.
French, F.
Gibson, J.
Gillon, W. D.
Grattan, H.
Greenaway, C.
Grey, Sir G.
Guest, J.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hindley, C.
Hobhouse, Sir J. C.
Hobhouse, T. B.
Hollond, R.
Horsman, E.
Hoskins, Kedgwin
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Hutton, R.
Jephson, C. D. O.
Jervis, John
Johnston, W. A.
Labouchere, H.
Langdale, hon. C.
Lennox, Lord G.
Lennox, Lord A.
Lushington, C.
Macleod, R.
Macnamara, Major
Mahony, P.
Marsland, Henry
Martin, J,
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Nagle, Sir R.
O'Brien, C.
O'Callaghan, C.
O'Connell, D.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R. M.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, Sir H.
Parrott, J.
Pechell, Captain R.
Philips, M.
Philips, G. R.
Phillpotts, John
Potter, R.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, George
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.
Roche, E. B.
Roche, D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Seymour, Lord
Sharpe, General
Smith, R. V.
Somers, J. P.
Standish, C.
Stanley, E. J.
Stanley, W. M.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Talbot, C. R. M.
Thomson, rt. hn. C. P.
Thornley, T.
Tollemache, E. J.
Troubridge, Sir T.
Tufnell, H.
Turner, W.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Whalley, Sir S.
White, A.
Wilbraham, G,

Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Wood, T.
Woulfe, Sergeant
Wyse, Thomas
Yates, J. A.
Young, G. F.

TELLERS.

Baring, F.
Godson, R.

Paired Off.

FOR.	AGAINST.
Egerton, W. T.	Hall, B.
Houstoun, G.	Leader, J. T.
Lowther, J. H.	Molesworth, Sir W.

THE BATTLE OF THE DIAMOND.] Colonel *Verner* rose and said: The indulgence of this House has always been manifested towards any one of its Members who had anything of a personal nature to complain of. Encouraged by this generous and always conceded indulgence, I come forward reluctantly to trespass upon its time and crave its attention, while I endeavour to relieve myself from the temporary stigma cast upon my character and conduct, which, if merited, would render me unworthy of addressing you from this place, and unfit me for the high honour conferred upon me by those whom I represent here. Inadequate as I am to the task, and embarrassed as I feel, I am obliged thus early to force myself upon the kind consideration of the House, in order that it may be enabled to judge whether I am deserving the imputation made, and the punishment inflicted, without a trial; and whether I shall be able to vindicate myself before it and those friends who are eagerly and anxiously waiting the result, as well as the public. I cannot expect to make any impression by force of language or powers of oratory. My defence is a simple statement of facts, supported by incontrovertible documents. My crime and that of my family is a steady and undeviating attachment to, and support of, our invaluable constitution in church and state. Throughout a long life of public service I have never swerved from these principles; and I am bold to say that, even at the risk of incurring the still stronger censure of the Irish government and its advisers, I do not think I ever shall. I am fully sensible of the awkwardness of my position, but I hope my friends will find that the few topics to which I shall advert will not add to it. Sir, I need hardly remind the House that I have been lately deprived by the Irish government, of the deputy-lieutenancy of the county of Tyrone, and of the commission of the peace for that county, an office which I had held for upwards of three-and-thirty years; the reason assigned by the Government for that deprivation being, that I had proposed, to a number of my friends whom I entertained, by special invitation, at dinner, after my late election, as a toast, "The Battle of the Diamond." The public papers have dealt so largely with the subject that it would be but affectation in me, humble individual as I am, were I to imply that any hon. Member was ignorant either of my alleged offence, or of the punishment with which the Irish Government has been induced to visit it. I shall leave untouched what might be said of my performance of my magisterial duties, the offence for which I was dismissed from them being avowedly unconnected with them. I shall state some facts to the House, and leave hon. Members to draw their own conclusions from them. I feel I owe it to myself and to the guests I entertained, and for whose acceptance I proposed the toast, indignantly to repel the character which—in their ignorance, or from some unexplained cause—the Government has been pleased to give to that toast. The toast was not a new one—was not one given at my table for the first time—but one which had for nearly half a century been proposed and cheered in very many of the convivial meetings in that part of the country. It was a local toast, but one well known in the county of Armagh and the adjoining counties, and which had been current, uncensured, and unrebuked, from September, 1795, up to August last. I am therefore bound, not merely for the credit of myself, or of my friends who were assembled at my table, but for the credit of all belonging to the county I have the honour to represent who have so often pledged that toast, to show to the House and to inform the Government of Ireland of the true character and qualities of those whom they have inconsiderately and unwarrantably designated as a "lawless and disgraceful mob." Happily I shall be able to do this very shortly, by reference to documents, to which I shall beg the attention of the House, and from public records. But, before I enter into an explanation of the circumstances out of which the toast arose, and the sense in which I proposed it, I think I ought to read so much of the correspondence that took place between the

Government and myself as will be necessary to make my statements intelligible to the House. And here I must observe, that this is not a question of orange and green, of Protestant and Roman Catholic, but it is a question between the unpaid independent magistracy of Ireland on the one hand, and an unconstitutional and tyrannical exercise of the executive authority on the other. I shall now proceed to read the letter of Mr. Secretary Drummond—the first communication I had upon the subject:—

"Dublin Castle, August 22, 1837.

"Sir—It appearing in *The Newry Telegraph*, of the 10th instant, that at an election dinner given by you on the 7th one of the toasts was 'The Battle of the Diamond,' I am directed by his Excellency, now that the elections are all terminated, to desire that you will inform him whether it can be possible that you were thus a party to the commemoration of a lawless and most disgraceful conflict, in which much of the blood of your fellow-subjects was spilt, and the immediate consequence of which was, as testified at the time by all the leading men and magistrates of your county, to place that part of the country at the mercy of an ungovernable mob. I have the honour to be, Sir, your most obedient humble servant,

"T. DRUMMOND.

"To Lieut.-Colonel Verner, Churchill, Moy."

This is the letter which I received from Mr. Drummond, and I submit it to the judgment of the House; and I ask, is it a letter such as ought to have been written? Is it a letter to which a calm answer could be returned? I shall make no further comment upon it now. The letter of the noble Lord, the Secretary for Ireland, which I shall presently read, will supply the best comment upon it. I shall now read my answer:—

"Carlton Club, London, Aug. 29, 1837.

"Sir,—I have received a letter, dated August 22, bearing your signature, and inquiring of me, by the direction of his Excellency, 'whether it is possible that I was a party to the commemoration of a lawless and most disgraceful conflict, in which much of the blood of my fellow-subjects was spilt, and the immediate consequence of which was, as testified at the time by all the leading men and magistrates of your county, to place that part of the country at the mercy of an ungovernable mob?'

"I am disposed to think that, when you put a question in a form like this, you can hardly expect, on cool reflection, that I should condescend to answer it—at least, I would imagine you could expect no other answer than one which I hold superfluous, namely, that I am not capable of being a party to the commemoration of anything 'lawless and disgraceful.' I would request, if I am ever again to be favoured by a question which you are directed to propose, that it may be expressed in terms better calculated to invite an answer, and more likely, also, to be understood. I must say that your letter does not appear to me very intelligible.

"His Excellency seems to assume that the appearance of a statement in a public newspaper authorises a call upon me to contradict or confirm it. I do not feel myself at liberty to do either. I had the honour to entertain several of my friends at dinner on the day to which your letter refers. I am bold to affirm, that at that entertainment nothing took place which loyal and honourable men would hesitate to avow most frankly. But I speak, I am confident, the sentiments of my friends, and of every gentleman whose freedom is not restrained by official station, when I say that a question like this in your letter ought not to be proposed to me, and that I am bound to decline replying to it."

I pass over a few sentences, in which I complain of some slanderous observations made in a paper, the supposed organ of the Castle of Dublin, and I come to a paragraph to which I would beg the attention of the House, as it has been tortured by the most perverse ingenuity into a meaning which I defy any straightforward intellect to give it:—

"Upon the various misrepresentations, unintentional I have no doubt, which your letter contains, I have no desire to comment. I feel it necessary only to assure you that, of all the conflicts, and they are, unhappily, numerous, which took place at any of the various places called by the name of 'Diamond,' in the county of Armagh, there is none to which your description is, in the least degree, applicable."

I disclaim for the conflict which I commemorated, and for every other of the same name and nature, the opprobrious character which the Irish Government of the present day have been taught to affix to it. I now come to the letter of the noble Lord, the Secretary for Ireland, who, it will appear, had received my reply to Mr. Secretary Drummond's letter, and submitted it to the Lord-Lieutenant. The noble Lord says:

"Dublin Castle, Sept. 5, 1837.

"Sir,—I have had the honour of submitting to the Lord-Lieutenant your letter of the 29th ult.

"His Excellency regrets that you should have had any difficulty in understanding the letter addressed to you on the 22d of August, But for such an assurance, his Excellency would not have supposed the unsatisfactory nature of your answer could, in any degree, have been ascribed to that cause.

"As a magistrate, appointed to administer justice between her Majesty's Protestant and Roman Catholic subjects, his Excellency desired that you should be called upon to state whether, at an election dinner, of which an account appeared at length in a public paper, you had proposed, or been a party to the proposal of, a toast commemorative of a sanguinary feud between the Protestants and Roman Catholics of Armagh. By whom, or to whom, that dinner was given—on what occasion, or in what place—his Excellency considers a matter of comparative indifference; but, as head of the executive government in Ireland, it concerns him to know whether you and other gentlemen in the commission held up such an event as that known by the name of 'The Battle of the Diamond,' as one deserving of being commemorated.

"You profess yourself unable to recognise the conflict alluded to under the above title, by reason of the many such conflicts which have unhappily occurred in the county of Armagh, at places called by the name of the Diamond."

I ask the noble Lord where, or in what form of words, I have professed myself unable to recognise the conflict alluded to? I say boldly my letter contains no one expression which can excuse the noble Lord for his most singular misconceptions of my meaning. I shall again read the passage in my letter which the noble Lord has so unaccountably failed to understand.

"I feel it necessary only to assure you, that of all the conflicts which took place at any of the various places called Diamond, in the county Armagh, there is none to which your description is, in the least degree, applicable."

These were my words—surely they are not capable of being perverted into anything which can justify the noble Lord's representation of them. I did not say that I was unable to recognise "the Battle of the Diamond," as I have been taunted with doing, in consequence of the many occurrences to which the name could be applied; but I will tell the noble Lord in what I could not recognise it—in the unfaithful and exaggerated picture which official personages in the castle of Dublin thought proper to call a representation of it. As the noble Lord's letter is a long one, I pass over some passages of it, in which an effort was made to form an analogy between a toast given in private for the reception of persons, all of whom profess the same opinions, and a procession with arms, flags, banners, and symbols calculated to produce irritation upon the part of an unfriendly and excited population. The noble Lord continues:—

"It is the invariable practice, when any representation is made to Government affecting the character or usefulness of a magistrate or other public officer, for whose appointment or continuance the executive government is responsible, to communicate such representation to him before any proceedings are taken thereon, that he may have an opportunity of explaining or disavowing the statements made to his prejudice. That course was followed in the present instance, and his Excellency conceives that he had a right to expect a distinct and unequivocal avowal or disavowal of your having been a party to the proceeding in question, or a satisfactory explanation that the nature and tendency of the proceeding did not deserve the character imputed to it!"

The noble Lord describes the course invariably adopted by the Government when addressing an inquiry to a gentleman holding the commission of the peace. Two questions, he says, are addressed to them. The first—Has a certain act imputed to them been committed? The second—Have they any explanation to offer? This was not the course pursued towards me. I was told an act was highly criminal, and then asked had I committed it? These are the words:—"I am directed by his Excellency to desire that you will inform him whether it can be possible that you were a party to the commemoration of a lawless and disgraceful conflict," &c. To which I replied—"I am not capable of being a party to the commemoration of anything lawless and disgraceful." This is my answer: it does not appear to have given the noble Lord satisfaction. I can only say it would have been far more gratifying to me to have had an opportunity of framing my answer differently, but I could not, after the fullest consideration, reply in any other spirit. Had I said, "Yes," I admitted that I was guilty of commemorating what was "lawless and disgraceful." Had I said "No," I should appear to equivocate, as if I had denied the fact of the toast, when I only meant to deny the description given to it by the noble Lord at the head of the Irish Government. This manifesto of the noble Lord did not appear to me at the time to require any answer from me. The greater part of it consisted, as I have already said, of a laboured effort to draw an analogy between a private party and a public procession, and in an endeavour to pervert my meaning, as if I was myself ignorant what battle of the Diamond I intended proposing; and it ended by telling me that "his Excellency deemed it expedient to recommend to the Lord Chancellor that I should not be included in the new commission of the peace about to be issued;" and also directed that my name should be omitted from the revised list of deputy lieutenants for the county Tyrone. Had I supposed for one moment that this letter required any reply from me, I should not have been so deficient in courtesy to the noble Lord as not to have given it an immediate answer. This was conclusive. I shall now proceed with my statement. The noble Lord may recollect the state of England sufficiently well at the period to which I have alluded to render it unnecessary for me to remind him what it was. Struggling against the designs of foreign and domestic enemies, engaged in an expensive war, suffering under a scarcity of grain, and an accumulation of taxes, her people excited by dangerous associations, the very life of the King attempted, she was unable to give to Ireland that military assistance which "secret and treasonable associations of dangerous extent and malignity" from within, and a threatened invasion from without, imperatively called for. For the state of Ireland I shall refer the noble Lord to documents ready at his hands of a public nature and indisputable evidence; or if the noble Lord would prefer the authority of writers not favourable to Protestant or Conservative principles as to the state of Armagh in the year 1795, he will find the facts proved in the trial of Jackson—he will find them noticed in the memoirs of Wolfe Tone, and confessed by M'Irwin and Emmett. However, the noble Lord will find in the speeches of the Lord-Lieutenant to both Houses of Parliament, in the year 1796, that there existed then in Ireland "secret and treasonable associations of dangerous extent and malignity;" and it was "the scene of insurrection and of outrage;" and that the King had been obliged to direct an addition to be made to the regular forces in Ireland by troops sent from Great Britain. The noble Lord will find in an Act of the same year that during the year 1795 "several parts of Ireland were disturbed by treasonable insurrections of persons assuming the name of Defenders;" in another, that "traitorous insurrections had arisen, principally promoted and supported by persons associating under the pretended obligation of oaths unlawfully administered;" in a third, that "it was necessary, in order to deter men from entering into conspiracies to murder, to increase the punishment of persons convicted of such horrid crimes;" and in a fourth, that "tumultuous risings had of late happened in Ireland, and that the persons engaged therein had practised various secret contrivances for being supplied with and keeping arms and ammunition," This shows to the noble Lord, on the one hand, a secret, extensive, armed, and organised confederacy, pillaging, destroying, burning, murdering—and, on the other, a government willing, perhaps, but unable—few troops, no police, no yeomanry. In this state of things was it "lawless and disgraceful"—was it deserving of blame and stigma—for the well-disposed to take up arms on behalf of "the security of property and the preservation of tranquillity and good order?" The Lord-Lieutenant of the present day, at his ease, and with England and its whole army at his back, may say so; but so did not say the Lord-Lieutenant of that day. In his address to both Houses of Parliament he says:—

> "At a time when the ambitious projects of our enemies have threatened to interrupt the happiness and prosperity of his people by making a descent on this kingdom and Great Britain, his Majesty has been graciously pleased to direct an addition to be made to the regular troops in this kingdom by troops sent from Great Britain, the greater part of which is already arrived; and, in pursuance of his Majesty's commands, I have also encouraged the loyalty and zealous disposition which has generously displayed itself to associate in arms for the better security of property and the preservation of tranquillity and good order."

This announcement, made by the Government in the month of October, followed the first institution of the yeomanry, which had taken place during the recess. My father, in his own county, where he resided, Armagh, and in the adjoining county, Tyrone, where he also possessed property, with his brother magistrates, entered into resolutions, to which I request the attention of the House.

> "Whereas we have observed with much concern that great pains have been taken, in many parts of this country, to excite discontent among his Majesty's faithful subjects, thereby to alienate their affections from his person and Government, and to induce them to be willing to change our excellent free constitution for the system of anarchy and con-

fusion which is now threatening desolation over other parts of the world.

"And whereas we have reason to believe that such miscreants have carried their wickedness so far as to hold treasonable correspondence with the French, with whom his Majesty is now at open war, to invite them to invade this kingdom, and, as an encouragement, have held out the following audacious falsehood, viz., that his Majesty's subjects in this kingdom are ready to rebel against him, and to adopt their principles; and that a few, seduced by the emissaries of the French, through the management of a desperate and traitorous society, have bound themselves by oaths to be ready in furtherance of their purposes in case of invasion, either to join them, or to rise and take possession of our country and the property of its peaceable inhabitants:

"Now we, whose names are hereunto subscribed, sincerely attached to our most excellent constitution, sensible of the benefits we enjoy under the mild Government of our most gracious Sovereign, and of the present prosperous state of the country—prosperous to a degree heretofore unexampled—where wealth and comfort are sure to follow honest industry —unwilling to put at hazard these solid advantages—and abhorrent of the machinations of a set of desperate adventurers, who, without property themselves, aim at that of others, and hope to rise in wealth and consequence in a general confusion,

"Resolve,—That we will, at the hazard of our lives and fortunes, support and defend our gracious King George the Third against all foreign and domestic enemies.

"That we will discourage and oppose all treasonable and seditious practices, and resist all attempts to disturb the peace of the country; and further, should his Majesty, in his wisdom, require such exertion, that we will embody ourselves for his defence and for the protection of our lives and properties, and enrol ourselves under such officers as he shall commission, and with their assistance, and under their command, will train and discipline ourselves, so as to be able to render him the more effectual service, and frustrate the hopes of the traitors and banditti who vainly rely upon finding the country naked and defenceless, should the regular troops be drawn off to oppose an invading enemy."

These resolutions were unanimously approved of, and warmly recommended to be adopted in the different towns and parishes throughout the country by the magistrates, whose names were affixed to them, at the quarter sessions held at Dungannon on the 15th of July, 1796, viz.:—

Northland,
Castle Stuart,
James Stuart,
James Richardson,
T. Knox,
R. Lindesay,
James Verner,
T. Caulfield,
W. J. Armstrong,
Edward Evans,
John Staples,
Robert Lowry,
T. K. Hannyngton,
A. Stewart,
T. Foresythe,
Samuel Strean.

In this spirit, and acting upon these resolutions, my father presented himself to the Lord-Lieutenant at the head of a list of several hundred men, of whom some of the first yeomanry corps were formed. I need hardly add, that amongst them were many of that small but gallant band who, at the battle of the Diamond, associated themselves upon the side of the King and his Government for "the security of property, and the preservation of tranquillity and good order." The "ungovernable mob," including my old friend, who favoured me with his company at my dinner, and whose name I coupled with the toast, were, "under his Majesty's authority," enrolled in yeomanry corps, and gallantly, faithfully, and fearlessly did their duty to their King and to their country as soldiers. I ask the noble Lord were the yeomanry of Armagh an "ungovernable mob" when the French invaded Ireland? Were they an "ungovernable mob" when the rebellion of 1798 broke out? Were they an "ungovernable mob" in the rebellion of 1803? When the Lord Chief Justice (Lord Kilwarden) was butchered in the streets of Dublin, did England look upon the yeomanry of Ireland as an "ungovernable mob," when both Houses of Parliament, upon two occasions, passed a unanimous vote of thanks to them for the services they had rendered to their country? And were those in whose honour I proposed the toast an "ungovernable mob," and was their conduct "lawless and disgraceful" from the day they took up arms voluntarily, the 21st of September, 1795, until they laid them down to be replaced by new ones under a Whig Government in 1831? I must now beg leave to call the attention of the noble Lord to a very few short testimonials, in order to let his Lordship see the opinions entertained by the Government and those in authority at that period of the "ungovernable mob" who constituted the yeomanry of Ireland. Upon the 16th of January, 1797, I find the Lord-Lieutenant of Ireland addressing both Houses of Parliament in these terms:—

"I have beheld with pleasure the zeal and alacrity of his Majesty's regular military forces, and the prompt and honourable exertions of the yeomanry corps, whose decided utility has been so abundantly displayed. I have not failed to represent to his Majesty this meritorious conduct of his faithful subjects in Ireland, and am expressly commanded to convey them his cordial acknowledgment and thanks."

Again, upon the 18th of March, in the same year, the Lord-Lieutenant thus addresses the House of Commons:—

"The dangerous and daring outrages committed in many parts of the province of Ulster, evidently perpetrated with a view to supersede the laws and prevent the administration of justice, by an organized system of murder and robbery, have lately increased to so daring a degree in some parts of that province as to bid defiance to the exertions of the civil power, and to endanger the lives and properties of his Majesty's subjects in that part of the kingdom.

"These outrages are encouraged and supported by treasonable associations to overturn our happy constitution. Threats have been held out against the lives of all persons who shall venture to disavow such their treasonable intentions. The frequent treasonable assemblages of persons, and their proceeding by threats and force to disarm the peaceable inhabitants; their endeavours to collect great quantities of arms in obscure hiding-places; their assembling by night to exercise in the practice of arms; their intimidation, accompanied by the most horrid murders, to prevent his Majesty's faithful subjects from joining the yeomanry troops; their having seized on some of his Majesty's justices of the peace, and threatening with murder any who should have the spirit to stand forth in support of the laws, which threats have been recently exemplified; their attacks on the military, by firing on them in the execution of their duty; have so totally bid defiance to the ordinary exertions of civil power, that I found myself obliged, by every tie of duty to his Majesty, and of regard to the welfare of his faithful subjects, to provide for the public safety by the most effectual and immediate application of the military force entrusted to me.

"I have accordingly ordered the General commanding in that province to dispose of and employ those troops under his command, with the assistance and co-operation of the Yeomanry, to suppress these outrages, &c.

"I have the satisfaction of informing you that by the firm and temperate conduct of the general, and the troops under him, and the zealous co-operation of the yeomanry corps, a very considerable number of arms has been taken," &c. &c.

On the 17th of May, in the same year, I find a proclamation by the Lord-Lieutenant and Council in Dublin, to this effect:

"That there exists within this kingdom a seditious and traitorous conspiracy, by a number of persons styling themselves United Irishmen.

"That they have frequently assembled in large armed bodies, and plundered of arms the houses of many of his Majesty's loyal subjects in different parts of the kingdom, and cut down and carried away great numbers of trees, where with to make handles for pikes and other offensive weapons to arm their treacherous associates, and have audaciously attempted to disarm the district yeomanry corps enrolled under his Majesty's commission for the defence of the realm.

"We do hereby strictly charge and command all our officers, civil and military, and all other of his Majesty's loving subjects, to use their utmost endeavours to discover all pikes, pike-heads, concealed guns and swords, offensive weapons, or ammunition of any kind whatsoever.

"And we do hereby strictly charge and command all officers, civil and military, and all other his Majesty's faithful subjects, to be aiding and assisting in suppressing all treacherous, tumultuous, and unlawful assemblies, and in bringing to punishment all persons disturbing or attempting to disturb the public peace."

On the 3rd of July in the same year, the Lord-Lieutenant, on proroguing Parliament, in his speech n both Houses, expresses his approbation of the yeomanry. He says:

"The powers with which you entrusted me by the suspension of the Habeas Corpus Act have enabled me to bring to light and to disconcert the formidable and secret conspiracy which had been formed for the total overthrow of your establishments, the destruction of property, and the dissolution of government. This conspiracy has been so fully unfolded by your wisdom, that it can no longer spread itself under the insidious pretence which it had artfully assumed of improving the constitution.

"I cannot too often repeat my full sense of your wisdom in the establishment of district corps. I have the most satisfactory accounts of their improvement in discipline as well as of their exertions in quelling and preventing insurrection; and I have myself witnessed the unexampled exertions, good conduct, and military appearance of the corps of the metropolis, whose unceasing and unvaried vigilance at a most important crisis, checked, every attempt to produce confusion by riot and tumult at the same time that it destroyed the hopes of our enemies, and restored confidence to the country in general."

The noble Lord concluded his speech in these words; I shall make no comment upon them:—

"We have a common and a sacred cause to defend—the independence and constitution of Great Britain and Ireland, from which both kingdoms have derived innumerable blessings under his Majesty's auspicious reign. They were purchased by the dearest blood of your ancestors, in a crisis not less formidable than the present. I trust we shall not fail to imitate their great example, and that we shall be enabled, by similar courage and continued firmness, to transmit to our posterity inviolate that invaluable inheritance which their valour rescued and their perseverance preserved."

Notwithstanding the impatience of some hon. Gentlemen opposite who seem unwilling to hear me, I must trespass further upon the attention of the House and the noble Lord by reading two or three circulars issued about that period. The first is dated "Dublin Castle, August 25, 1797," and is marked "Circular :"—

"Sir,—His Excellency has directed me to express, in the strongest terms the very high sense he entertains of the exertions which have been so conspicuously and so universally displayed by the district corps in preserving the tranquillity of their several districts.

"W. Elliott :"

The next is dated. "Dublin Castle, December 18, 1797," and is also marked "Circular :"—

"Sir,—I have his Excellency's particular injunctions to convey in the warmest terms to yourself and to the officers and privates under your command his high approbation of the zeal which you have manifested by your regular and assiduous attention to your military duty, and which is no less honourable to yourselves than it has been conducive to the protection and security of your country."

"Pelham."

To the letter I am now about to read, I would beg the attention of the House, because it is addressed to Captain Atkinson, a gentleman who resided not more than half a mile from where the "Battle of the Diamond" was fought, and who commanded the Crawthill Corps of Yeomanry, the greater part of whom had been engaged in that conflict:—

"Armagh, Sept. 5, 1793.

"Sir,—I am desired by Major-general Goldie to know from you what number of loyal men you can bring forward, in case of necessity, to join your corps, and act under the yeomanry standing orders as supernumerary men, and for whom you think you can be responsible.

"II. Archdale, M.B.

"Directed to Captain Atkinson, &c."

The next is dated the 31st of October, 1800, and is from Dublin Castle, marked "Circular" :—

"Sir,—His Excellency is desirous of taking this opportunity to express the high degree of satisfaction with which he has witnessed the loyalty, zeal, and spirit universally displayed by the yeomanry of this country—whose exertions have already so materially contributed to its security, and which he is persuaded will ever be in readiness to maintain the blessings of peace, by the promotion of good order amongst all his Majesty's subjects.

"Charles Knight."

I have already informed the House that, upon two occasions, a vote of thanks to the yeomanry of Ireland passed both Houses of Parliament. Upon one of those occasions it was accompanied by an order of the House, which I shall read :—

"That there be laid before it a return of all corps, &c., in order that such return may be entered on the Journals of the House, and the patriotic example of such voluntary exertions be transmitted to posterity. "J. Ley."

I shall trouble the House with but one more document upon this subject, and I introduce it in order to let the House see that the services of the yeomanry of Ireland were not merely nominal, or that the thanks they received and the House bestowed upon them were for a mere profession of service. It is dated Dublin Castle, August 24, 1798 :—

"Sir,—I have the honour to acquaint you that on the 13th of September inst., a Board will be held at the Royal Hospital, for the admission of such yeomen as have been disabled in active service. "Castlereagh."

The battle of the Diamond took place before I was of sufficient age to take part in it, but I have a full recollection of the state of the country at that period, and I knew the course of life, the character and the loyal and constitutional principles of the gallant and respectable Gentleman who at my table represented them who took the side of "good order" and of the King at the battle of the Diamond, and the who tenor of his life and character, and those principles, forbade me to believe that he would have been a participator in anything "lawless and disgraceful." It might be supposed that in bringing that Gentleman thus forward I was subjecting him to the vindictiveness of the Government, and putting him in the way of punishment. I shall, therefore, refer the noble Lord, who does not seem to be deeply read in the narratives of those times, to an Act of Parliament, which will show him that those who took part in the endeavour to preserve the peace of the country in those days ran no risk, and which bears most materially upon the battle of the Diamond. It is the 36th George the 3d chap. 6, passed early in the year 1796, a few months after the affair of the Diamond. It says :—

"Whereas, during the year 1795, several parts of the kingdom were disturbed by treasonable insurrections of persons assuming the name of Defenders, and the lives and properties of many peaceable and faithful subjects destroyed, and several of his Majesty's Justices of the Peace and other officers and persons, in order to preserve the public peace, the lives and properties of his Majesty's faithful subjects, and to suppress and put an end to such transactions, have apprehended several criminals, &c., and without due authority have sent other accused and suspected persons out of the kingdom, and also seized arms, and entered into the houses and possessions of several persons, and done other acts not justifiable by law, but which were yet so much for the public service, and so necessary for the suppression of such insurrections, and for the preservation of the public peace, that the persons by whom they were transacted, ought to be indemnified. Be it therefore enacted," &c.

This is the law the Parliament thought proper to enact a few months after the battle of the Diamond, for the protection of those who had come forward upon that and similar occasions "to preserve the public peace, the lives and properties of his Majesty's faithful subjects;" and yet, Sir, in violation of that law, and in the face of that Act of Parliament, the Government in Ireland have denounced me for commemorating what the Legislature of that day pronounced to be "so much for the public service, so necessary for the suppression of insurrection, and for the preservation of the public peace." I have stated enough to show that the "battle of the Diamond" was an event which could not have been disapproved of by the then Government, and that the conduct of those who took part in it was but little likely to call forth the censure of those in authority. From what I have stated it is plain that to describe as "lawless and disgraceful" the conduct of the loyalists of the Diamond is to rebuke the Government and the Legislature of that day; it is to pass a censure upon the several Governments who permitted such a frequent delinquent to the same extent for so many years to continue to hold the commission of the peace—to sanction my appointment as a deputy-lieutenant—to allow me to be advanced in the honorable profession to which I belong, and even in the yeomanry to pass through the several gradations of rank, from carrying a musket as a private to having the command of a corps. I have thought it becoming in me to say thus much, and to say it in this place, as a defence against the insult and attempted degradation, which coming from the high quarter it did, was not to be defended at a public meeting, a dinner-table, or through the medium of the public press. I conceive I owed it to the dignity of this House, of which I have the honour to be a Member, and to the preservation of my own character, to stand up in my place and say that I am not a commemorator of anything that is "lawless and disgraceful." I regret that I have been obliged to trespass upon the House at such length, and cannot conclude without expressing my high sense of the obligation I am under for its patient hearing. I cannot, however, sit down without making one remark in addition to what I have already said, because it conveys to my mind this pleasing reflection, that I am, at the end of three and thirty years, during which time I held the office of a magistrate, deprived of the commission of the peace as unworthy any longer to be permitted to hold it; the alleged offence for which I am dismissed is wholly unconnected with the performance of my duty as a magistrate. Were the state of Ireland again, which God forbid, such as it was in 1795, and were there arrayed on the one side secret associations, traitors, and rebels, and on the other zealous persons who, to preserve the peace, had assembled in arms, I should not hesitate which side to take, certain that though in the estimation of the advisers of the present Irish Government I acted "lawlessly and disgracefully," the wise, and just, and good, would say, that my conduct, though not perhaps in strict accordance with law, was so necessary, and so much for the public good, that it deserved no blame. I have now no hesitation in assuring the House that I had not the remotest intention of proposing as a toast "The Battle of the Diamond." It was not upon my list of toasts, and it was not until after at least two-thirds of those who honoured me with their company at dinner had left the house, and I was about to retire myself, that the toast was given—when, observing a gentleman in the room who was at the Diamond conflict, and whose name I had heard coupled for so many years with that event, I did out of compliment to him propose the toast, never intending the slightest offence, or supposing it could be made the subject of animadversion. Now, with regard to the public press, I think it only fair to tell the House that there was no reporter present. A respectable gentleman of the county, connected with the press was amongst my guests. But he came because he was specially invited, the same as any other gentleman. But as the noble Lord and the Under Secretary have so pointedly alluded to the newspaper report, I conceive I have an equal right to do so, and what do I find? "The Battle of the Diamond" was the very last toast given, followed immediately by this observation: "At this period (half-past twelve) Colonel Verner retired." I could not, then, have remained only for the purpose of giving that toast. In giving this candid and true explanation, and which I would have given at the first had it been required of me in less unbecoming terms, I beg I may not be understood as intending, by the admission thus made, to convey the impression that I consider the toast one, the commemoration of which ought to, be objected to by any loyal subject but as one, like many others, which has been wilfully perverted and misrepresented. The hon. and gallant Gentleman concluded by moving for "a copy of the correspondence between her Majesty's Government in Ireland and Colonel Verner, with respect to his removal from the offices of deputy-lieutenant and justice of the peace for the county of Tyrone."

Viscount *Morpeth* said, the hon. and gallant Gentleman had himself intimated, and indeed his speech of this evening had made further provision that sufficient publicity was already attached to these transactions; and he might also observe that some vacancies which met his eyes in the benches opposite seemed to say that there were others who entertained this opinion. He had no objection to the production of the papers for which the hon. and gallant Gentleman had moved; but he hoped he should be allowed to make a few comments on the observations with which the hon. and gallant Gentleman had accompanied his motion. In the first place, however, he begged to declare that at the present moment, as well as at the period of the transaction itself, he experienced sincere regret at having been put in a situation in which he felt himself called on to act in a manner that might seem ungracious and harsh towards a Gentleman for whose personal honour and whose conduct in all the relations of private life he had always been led to form a high estimate. So much as to what was merely personal between them. He would now address himself to the question itself. As regarded the Battle of the Diamond, the hon. and gallant Gentleman objected to the terms of the letter originally written to him by the Under Secretary, Mr. Drummond, wherein that gentleman asked him whether he had given the objectionable toast, and whether he had assisted at the dinner. If, however, the House compared the letter written by Mr. Drummond with the reply to that letter written by the hon. and gallant Gentleman, he thought it would not suffer by the contrast in point of courtesy, and general propriety of style. But the hon. and gallant Gentleman contended that the Battle of the Diamond having been described in the letter as "a lawless and disgraceful conflict," on being asked if he had given the toast, he was called on to admit he had been guilty of an act that was discreditable to himself. Now, in his, (Lord Morpeth's) opinion, the hon. and gallant Gentleman was bound to afford the information required of him as to the simple matter of fact, whatever might have been his individual opinion on the subject. He thought they had a right to expect that when the representative of the Sovereign demanded an explanation of a Gentleman holding the commission of the peace, his answer would be explicit, with some appearance of deference, and that at least it would be addressed to the point at issue, instead of deviating into matters contained in *The Dublin Evening Post*, which the hon. and gallant Gentleman called the organ of the Irish Government; but he begged to assure the hon. and gallant Gentleman that for no opinion or expression in that journal was the Government in any way responsible. The hon. and gallant Gentleman complained of the use made of certain expressions in his letter in allusion to the conflicts that had taken place in the neighbourhood of the Diamond. He was glad to find that the hon. and gallant Gentleman did not intend to raise any doubt on that subject, because when he spoke of all the conflicts—and of numbers having unhappily taken place in the county of Armagh —it did seem as if he wished to distract attention, by the multiplicity of these transactions, from what Colonel Blacker called that "great day, the 21st of September." But if it were true that in the same neighbourhood many similar conflicts had taken place, (the only material point for the hon. and gallant Member being that a battle had been fought, that blood had been shed), then surely the case of the Government against the hon. and gallant

Gentleman was greatly aggravated. He would carry the House as quickly as he could over the historical facts, but he would ask whether he had not received some provocation from the speech of the hon. and gallant Gentleman to enter a little into details? For some time previously to the Battle of the Diamond, the adjacent country had been the scene of repeated conflicts between the two parties, one of them composed of what were called the "Peep-of-day boys," consisting of Protestants and chiefly, he believed, Presbyterians, and the other consisting of Roman Catholics. The most painful excesses were the result of their respective hostilities. Now, he was not curious to dispute the fact, that in the actual affray, which went by the name of "The Battle of the Diamond," the defenders or the Roman Catholic party for that day were not the aggressors. But assuming that it was quite clear they were the aggressors, it appeared equally plain that they were the sole sufferers. What was the account given by Colonel Blacker, an early witness of the transaction? In his examination before the Orange Lodge Committee, he was asked the following questions, and gave the following answers:—

"What did you see at the Diamond?—When I got up I saw the Defenders making off in one direction, and the firing had nearly ceased, I may say had ceased except a dropping shot or two, and I saw a number of dead bodies.

"Can you state about the number?—No: they were conveying them away on cars in different directions, so that I could not make an exact calculation.

"Were there fifty?—No; if there were thirty killed, that was the outside.

"Were there any Protestants killed?—Not that I could hear of."

Impute what they would to the Roman Catholics, talk as they might of their bad faith and treachery, say what they would of the provocation, he asked whether the blood that had been shed was not sufficient to expiate, and the intervening period of forty years sufficient to obliterate, these unhappy proceedings?

"Satis jam pridem sanguine nostro
Laomedonteæ luimus perjuria Trojæ."

Was such a result as that which he had described a fitting object for commemoration at moments of convivial relaxation, to give the plea its best colour, in the neighbourhood, and among the descendants, or even the remnant of the sufferers, nay worse, the inflictors of that tragic retribution. But it was said that the Battle of the Diamond put an end to the insurrection, and secured the peaceful administration of the law in the province of Ulster. Documents of all kinds had been referred to with a view of showing such an effect; even the orderly-book of a regiment had been brought into court to afford proof of this. After the numerous quotations read through by the hon. and gallant Member, he should refer to a few scattered materials from the history of the same period, more especially after part of a speech which an hon. and learned Gentleman opposite—he meant the learned Sergeant—had been pleased to address to his constituents at Bandon. Mr. Sergeant Jackson there stated:—

"There has been gross misconception (the letter of Colonel Verner shows it) respecting the event which it commemorated. The individual who dictated that letter was ignorant of the history of the country. An aged and veteran general officer has stated the true history of the transaction, and it would appear to have been a gallant and successful resistance by a body of Protestants to an attack by a body of Defenders."

The House would see that the points against which he had to contend were, first, that the Battle of the Diamond put an end to the insecurity of Ulster and the disturbances of Armagh, and next, that it was a contest between traitors on the one hand, and loyal and faithful subjects on the other. It would be seen how history bore witness to this statement of the case. The Battle of the Diamond took place on the 21st of September, 1795, and the state of the county of Armagh, a short time afterwards, was described as follows at the

"First Meeting of the Magistrates of the County of Armagh, Oct. 19, 1795.

"Whereas the peace of this county has been, and continues to be, disturbed by mobs of riotous and disorderly persons, who assemble in considerable bodies, attack the houses of well-disposed inhabitants, and rob them of arms, money, and other matters of property."

"Second Meeting, Oct. 26, 1795.

"As we find that bodies of armed men still continue to parade through different parts of this country, both by day and night, committing great outrages, and disturbing the peaceable inhabitants."

Resolutions signed and subscriptions entered into, by

Gosford,
William Armagh, the Primate,

Charlemont,
Capel Molyneux,
W. Brownlow,
H. Hamilton, Dean of Armagh, after Bishop of Ossory,
W. Bissett, after Bishop of Raphoe,
James Verner (it is stated), &c., &c., &c.

The next extract he should read was, from the Earl of Gosford's address, as chairman of the Quarter Sessions of the county of Armagh, on the 21st December, 1795. Lord Gosford said—

"Gentlemen,—It is no secret that a persecution, accompanied with all the circumstances of ferocious cruelty which have, in all ages, distinguished the dreadful calamity, is now raging in this county. Neither age nor sex, nor even acknowledged innocence, as to any guilt in the late disturbances, is sufficient to excite mercy, much less to afford protection. The only crime which the wretched objects of this ruthless persecution are charged with is a crime, indeed, of easy proof; it is simply a profession of the Roman Catholic faith, or an intimate connexion with a person professing that faith. A lawless banditti have constituted themselves judges of this new species of delinquency, and the sentence they have pronounced is equally concise and terrible; 'tis nothing less than a confiscation of all property, and an immediate banishment. It would be extremely painful, and surely unnecessary, to detail the horrors that attend the execution of so wide and tremendous a proscription—a proscription that certainly exceeds in the comparative number of those it consigns to ruin and misery every example that ancient or modern history can supply; for where have we heard, or in what history of human cruelties have we read, of more than half the inhabitants of a populous country, deprived at one blow, of the means as well as the fruits of their industry, and driven, in the midst of an inclement season, to seek a shelter for themselves and their helpless families, where chance may guide them."

Such was this noble Earl's opinion of the state of the country two or three months after the battle of the Diamond, such was the description he gave of the situation in which this illustrious conflict placed it. Similar language was used in the Irish Parliament, as to the condition of the county of Armagh in the winter of 1795. Some resolutions were moved on this subject by the Attorney-General of that day, which led to a lengthened debate. In quoting from the speeches then used, he should, as much as possible, refer to those who entertained opposite views to himself on political subjects. But he should, in the first place, quote the language of Mr. Grattan, and he felt that no apology was necessary for him for repeating the glowing and eloquent language of that distinguished man. Mr. Grattan said:

"Of these outrages, he had received the most dreadful accounts; that their object was the extermination of all the Catholics of that county. It was a persecution conceived in the bitterness of bigotry, carried on with the most ferocious barbarity, by a banditti who, being of the religion of the state, had committed with the greatest audacity and confidence the most horrid murders, and had proceeded from robbery and massacre to extermination: that they had repealed, by their own authority, all the laws lately passed in favour of the Catholics, and had established in the place of those laws, the inquisition of a mob resembling Lord George Gordon's fanatics, equalling them in outrage, and surpassing far in perseverance and success; that their modes of outrage were as various as they were atrocious. They sometimes forced, by terror, the masters of families, to dismiss their Catholic servants: they sometimes forced landlords, by terror, to dismiss their Catholic tenantry. They seized, as deserters, numbers of Catholic weavers, sent them to the county gaol, transmitted them to Dublin, where they remained in close prison until some lawyers, from compassion, pleaded their cause and had procured their enlargement, nothing appearing against them of any kind whatsoever. Those insurgents, who called themselves Orange boys, or Protestant boys, that is, a banditti of murderers, committing massacre in the name of God, and exercising despotic power, in the name of Liberty."

But lest any one should distrust the authority of Mr. Grattan, and the pregnant and fervid terms in which he embodied his sentiments, in this same debate, he was followed on the same side by Mr. Maurice Fitzgerald, then, as now, knight of Kerry, to whose calmer corroboration he would next refer. Mr. Fitzgerald said:—

"He could not reconcile it to himself to remain silent at the statement made by the right hon. Gentleman (Mr. Grattan) of the outrages which had occurred in the county of Armagh. He was sorry to say, he must subscribe to it in its fullest extent. He lamented that, in that picture which the right hon. Gentleman had drawn, he could trace no exaggeration. It was, he feared, the melancholy truth that numbers of the unoffending and peaceable inhabitants of that county had been expelled from their habitations and their property by the violence of a bigoted sect; that there existed in that county, a furious and unrelenting persecution of a particular denomination of his Majesty's loyal subjects.* * * Idle and nugatory would be good dispositions on the part of the Government as long as they continue to be counteracted by those who must be employed to carry them into effect. It is lamentably the fact, that in the county of Armagh, multitudes of families are driven from their homes, the victims of a dreadful persecution, while the magistracy rest in a kind of lethargy, supinely indifferent to this outrageous violation of justice. He deplored that the magistracy should be so blind to the danger which they were suffering to grow. He trembled at the pernicious effect of mixing any religious prejudices with the distractions which already agitated the kingdom. There was no man so ignorant, but must be aware of the poisonous acrimony which religion adds to any contest in which it shall mingle; nor can any man, in the utmost scope of speculation, calculate the horrors to which that conduct may give birth, which would infuse into the agitations of this country a spirit of bigoted religious animosity. A reform in the conduct of the magistracy is the remedy for the peculiar evil alluded to, and no legislative act, no exertion on the part of Government, would have any effect unless that magistracy would concur in the impartial administration of its laws."

Whether such was the case at present he would leave to Mr. Maurice Fitzgerald to determine, who, no doubt, entertained the same opinions now that he formerly so eloquently expressed. This Gentleman was followed by Mr. William Smith, who afterwards filled the high situation of Baron of his Majesty's Exchequer in Ireland, and in quoting that gentleman's opinion he could not help calling to mind the high homage to the ability and talents of that gentleman, and to the impartiality with which he administered justice in that country, which was showered at one time from the benches opposite. They, no doubt, would receive with respect the opinion expressed by him as to the state of Armagh at this period. Mr. William Smith said:—

"He was persuaded that Government would never prefer one treason to another, or use less severity towards the bigotry and excess of Break-of-day-Boys than towards the equally abominable outrages of Defenders. He had heard it insinuated, on both sides of the House, that though Defenderism might call for the extraordinary interposition of the Legislature, yet the opposite class of insurgents might be left to the vigilance of Armagh magistrates, and to the ordinary efficacy of the law, as already established. To such a doctrine he must express entire dissent. He viewed both species of offence with equal abhorrence, and thought the Legislature ought to meet them with equal indignation."

The scene next shifted to the special assizes of the county of Armagh, at which more than 100 prisoners were tried for capital offences. Mr. Attorney-General Wolfe, who, by a singular coincidence of name, bore the office at the time, (may the parallel extend to all but the closing scene!) was sent down to prosecute on the part of the Crown. The assizes that he alluded to were held in the spring of 1796. In addition to the two judges, Downes and Smith, Sergeant Stanley was sent down specially to assist as a judge in the Crown Court, and tried prisoners alternately with Baron Smith. The Attorney-General (Wolfe) came down to conduct the prosecution. The Attorney-General said:—

"That by order of the Government, who were determined to exert their power to the utmost, in order to restore and preserve the peace of the country, he was come down to prosecute, and he would have it understood that, in the exercise of this his indispensable duty, he would steadily pursue his instructions, which were to prosecute all men charged with crimes; of whatever religious profession they might be—of whatever description—whether in high or in low life—he would bring them to the bar of public justice. What has recently been the situation of Armagh? Man against man; societies formed for the illegal purpose of opposing each other by open force and hostility. The honest and peaceable inhabitant could find neither safety nor repose. In the field and in the house he found himself in danger; he could not retire to his bed without apprehension of violation to his house or injury to his person. Was there a father of a family secure in his children? He did not know the moment that his son was destined to the halter or the assassin's dagger. There was neither security for age nor youth, for sex nor for industry."

Such was the strong language of the Attorney-General of that day; and he did not think that an incorrect description of the Battle of the Diamond was given by Mr. Secretary Drummond when he called it a lawless scene of outrage. The Attorney-General went on to say:—

"Acts had been committed shocking to human nature; cruelties that would disgrace savages had been perpetrated in the county of Armagh. Perhaps these acts had been exaggerated on both sides; but, taking them on the mildest representation, they called for the immediate interference of law and exertions of justice. With whom those enormities commenced he considered as immaterial, for both parties were aggressors against the law, and both must suffer; however, when the law was satisfied, it would then become a national object, a duty incumbent on every man who loved his country, to inculcate on the minds of all parties forgiveness and oblivion."

The law was satisfied—numerous trials took place—and there were several capital convictions, and many executions. After the close of the assizes congratulatory addresses were presented by the grand jury, to the Attorney-General, for the impartiality and ability which he had manifested, and also to the high-sheriff for his impartial conduct in the selection of jurors. Thanks were also voted to the Lord-Lieutenant for the vigour which he had displayed in the administration of the law, and for the timely aid which he had afforded, by which the outrages of these marauders were effectually put down. The law was thus satisfied; but he would ask whether Lord Kilwarden would have thought it consistent with the duty incumbent on every man who loved his country, of inculcating on the minds of all parties forgiveness and oblivion, after the settlement of the disturbances, and the putting a stop to the commission of the outrages which had disgraced the country, to give, to be in the habit of giving, a toast commemorative of that bloody scene which he had described, and thus keep this unhappy circumstance festering in the minds of the population? During the subsequent Session of Parliament the attention of the House of Commons was again called to the state of the county of Armagh. Several gentlemen, with whose opinions he would not trouble the House, took part in the debate, and amongst others Mr. Archdall, Mr. Corry, Mr. Bushe, and Sir Hercules Langrishe. Mr. Archdall said:—

> "The disturbances were such as every man laments, and no man would justify; but where after all they were only the disturbances of individuals among themselves, great in their extent and melancholy in their circumstances, but originating only in private and personal antipathies. Those individuals were the adverse parties of Puritans and Papists; that is, certain obstinate Roman Catholics on the one side, and various sectaries, perhaps more obstinate still, under the name of Presbyterians, on the other. From the unhappy temper of the times, which seems so prevalent every where, could it be a matter of wonder that in the north such combustible materials should kindle a warmth, especially when contiguous to each other in the same neighbourhood, and blaze into outrage without what the right honourable Gentleman was pleased to call the cruel connivance of the government? But how did this connivance appear? Had assistance ever been asked, and had it been withheld? No. Had means of prevention ever been pointed out, and had they been neglected? No. Had any culpable magistrates ever been particularised, and had they been protected? No. If any magistrate shall be hereafter sentenced as culpable, will he not be punished? Yes; certainly and exemplarily."

He regretted that it had been the painful duty of the present Government to fulfil the prediction of Mr. Archdall. Again, on the 1st of December, 1796, a proclamation was issued against certain disturbances in Armagh, which described the state of that country in nearly similar terms to those he had just read. The hon. and gallant Gentleman said, that he would refer to history as to the state of the county of Armagh, and undoubtedly the hon. Member had referred to certain statements, but not to such as bore on the state of that county at the period in question. By the quotations he had just read he had supplied the defect. He had not entered into the conduct of the yeomanry of Armagh, whether or not they had done their duty, or whether to those who had opposed foreign invasion and resisted rebellion a debt of gratitude was not owing by the country. He had, however, showed that the parties who at the period of the Battle of the Diamond disturbed the county of Armagh and the neighbouring districts were equally censurable—that both the parties that divided the county, and excited it by their religious rancour and bitter feelings, were equally to blame, and ought equally to be stigmatised. The hon. Gentleman referred to the 37th of George 3rd; but that Act appeared to be for the protection of the people who fled from the county of Armagh, who notoriously were not the Peep-of-day-boys, but the Defenders; industrious and peaceable persons. The hon. Gentleman had referred to the Indemnity Act of Lord Carhampton; but it was not necessary at this time of day to attach much importance to that document. Thus much, however, he would say with reference to passing that Indemnity Bill, that however necessary and expedient it might be for the Parliament to pass that Act, it was one thing to indemnify and another to commemorate acts of lawlessness and violence. Such was the state of things which he had endeavoured to bring under the attention of the House in a continued series; and he had referred for his authority to the evidence of magistrates, law officers of the Crown, Lord-Lieutenants of counties, Members of Parliament, Ministers of State, Judges, and Viceroys. His proposition was, and the motive for the letter that was sent to the hon. and gallant Gentleman was, and his defence of the Government was then as now, that it was not a state of things which it was wise or discreet, he did not say humane and merciful, for he believed that the error was not in the intention, but in the judgment of the hon. Gentleman; but that it was not wise or discreet to make it an object of commemoration and approval, nay of imitation on the part of those whose duty it was to protect the innocent and to punish the disturbers of the peace in the midst of a sensitive and excited population. The hon. Gentleman said, that it had been customary to give the toast during the last forty years. He was sorry to hear that such was the case; but he could say thus much, that it had only recently, for the first time, been brought under the notice of the Irish Government, and he hoped that the Government had taken such steps as to prevent the repetition. The fact of such a toast having been given was brought under the notice of the Government by persons of high rank and character, who directed the attention of the authorities to the account of the Armagh election that appeared in a local newspaper. After describing the scene that took place at the election, and the proceedings at the hustings, (I presume these were not to be accounted private,) with the speeches of the several proposers and the candidates, there appeared in large letters the words "The Dinner," at which entertainment this toast was given. The hon. and gallant Gentleman said that this was a private party. I do not question that the hon. Gentleman invited all the guests or paid the whole bill. This fact was not disputed; but it appeared, though no reporter was present, that there was a gentleman present who was connected with a newspaper, and of course he considered himself authorised to publish what took place. The hon. Gentleman referred to what he was pleased to call the conversation that took place at the dinner table; but he for his part must contend that any thing less in a conversational tone he had never read; for the hon. Member, as well as other gentlemen, made extremely long speeches, and they all concluded with toasts, and among others given was the "Battle of the Diamond." The hon. Gentleman said the toast was given without premeditation, when most of the party had withdrawn. Now, he had no hesitation in saying, if the hon. and gallant Gentleman had stated this, and had shown any disposition to palliate or explain what appeared to the Government to be a matter calling for explanation, the gallant Member would not have had reason to complain of the matter being too rigorously or enviously sifted. The Government had showed this to be the case in the conduct they had pursued towards other gentlemen who were magistrates and who were present at the dinner in question. They had felt themselves justified in calling upon the hon. Gentleman to offer an explanation of that which appeared to them to be offensive and ominous in the proceeding. He regretted much that the answer of the hon. and gallant Gentleman left them no discretion on the subject. He begged the House to recollect that toasts at public dinners had not always been considered matters of trifling importance by the party opposite. It was known to all those who heard him that a person of much higher rank and station than the hon. Gentleman, namely, the Duke of Norfolk, was turned out of the situation which he held of Lord-Lieutenant of Yorkshire, for giving as a toast "The sovereignty of the people." He did not intend to revive any question upon the propriety of the toast, nor, on the other hand, upon the act of rigour with which it was met by the Government. He must say, however, that the toast of "The sovereignty of the people" at any rate admitted of an interpretation compatible with the sentiment of all lovers of a limited monarchy, such as existed in this country; at all events it embodied no sentiment of ill-will, it gloated on no images of carnage. George 4th, on his return from his visit to Ireland, dictated a letter in which he strongly condemned the continued use of party toasts, and he was understood principally to refer to the well-known instance of the "Glorious memory." He might object to this toast on the other side of the water; though in this country he could hardly be inclined to object to any thing commemorative of one whom he on this side of the water must ever consider as a hero and a deliverer. But this was not the case on the other side of the water; for there it was offensive to the great body of the people, and was considered to involve an attack upon their religious feelings. The memory, however, of King William was a very different toast from that of "The

Battle of the Diamond." The former toast was commemorative of a victory fought by the lawful Sovereign with the concurrence of the Parliament of the realm, and not of a scene of lawless conflict, where man was set against man, and neighbour against neighbour, and by which disturbance and desolation were spread throughout the country. The hon. and gallant Member appealed to his conduct while he had acted as a magistrate, and to the thirty-three years, during which he had held the commission. He had already borne testimony to the personal character of the hon. and gallant Gentleman; but he begged to remind him, that his public character had already before been brought into question for conduct in his own neighbourhood in 1831, when a number of houses were wrecked at Maghera, in the county of Armagh. Mr. Sergeant Perrin was sent down to make inquiry, and he (Lord Morpeth) would only read the concluding expression of the report of that hon. and learned Gentleman:—

> "I am further of opinion, that Colonel Verner appears not to have performed his duty as a magistrate at Verner's-bridge, in order to disperse (as he was bound and required by law), the persons there tumultuously and unlawfully assembled, and compel them to depart to their habitations; that he did not take the measures and precautions proper for that purpose, which he was empowered and required by law to take, and which the result evinces to have been necessary for the preservation of the peace, and the threatened breach thereof; and that he is liable to be prosecuted at suit of the Crown by information for such (as it appears to me) criminal neglect of his duty."

He might be tempted to feel surprise that the unpleasant duty which they had performed, had been reserved for the Government of the Earl of Mulgrave. He would not proceed to rip up old sores. [Mr. *Shaw:* You are doing so now.] Yes, it became necessary when the conduct of the Government had been attacked in the way in which it had been by the hon. and gallant Gentleman. He had a right to show what had been the previous conduct of that hon. and gallant Member himself, when the propriety of his being retained in the commission was the direct point at issue. He had a right to show that, although the painful duty which they had performed had been reserved to the present Government, still the previous conduct of the hon. and gallant Member had not escaped the observation of former Governments. He was bound to say, however, that without reference to any other matter of debate, the toast of the battle of the Diamond was quite sufficient to justify the Government in calling for the explanation which they had called for from the hon. and gallant Gentleman; but he refused to give any explanation, and appeared to sneer at the Government when explanation was demanded from him. He could quite feel, from the party feelings and life-long habits which appeared to belong to the hon. and gallant Member, that there was nothing even in the circumstance of his giving this toast which the hon. and gallant Member considered contrary to his own sense of honour and duty, and incompatible with his entertaining feelings of kindness and humanity, when unwarped and left to their own direction; but there was every thing to make him believe that his Roman Catholic neighbours and clients, could not have poured out their complaints to him with any feeling of security in his freedom as a magistrate, from partial and prepossessed dispositions towards them, entertained no doubt unwittingly by him, but still not the less deeply because insensibly pervading his views, and colouring his conduct. He thought that a magistrate who had given such a toast, when his attention was called to the subject in his cooler moments, and who refused to condescend either to retract, excuse, or explain, had given grounds for such a feeling, and therefore, he was perfectly prepared to leave the conduct of the Government in the hands of the House and of the country.

Mr. *Colquhoun* could not but think the conduct of the Government towards the hon. and gallant Member afforded a strange contrast to their proceedings in other cases. He was ready to admit that the toast of "the Battle of the Diamond" was an ill-advised toast, and that it had even been somewhat uncalled for; but did it therefore follow that the hon. and gallant Member should, in consequence of having given it at a public dinner, without the slightest hesitation be dismissed by the Irish Government from the commission of the peace? Such treatment, at all events, savoured somewhat of sharp practice. It showed certainly a very vigilant inspection by the Irish Government of the conduct of the Irish magistracy—that they were not determined to rip up old sores, or make grievances by reviving and exacerbating of religious animosity. What, then, had been their conduct on other occasions? He believed the hon. and learned Member for Dublin still held the commission of the peace. To quote a precisely analogous case, he would take that of a dinner and a toast given, not at midnight when the chairman was about to leave the room, but publicly, prominently, as the main toast of the evening, and received with the most vociferous cheering. He quoted the very words used by the hon. and learned Member, "An unqualified repeal of the legislative union." It was unnecessary for him to recal the importance of that subject to the hon. Gentleman opposite, the Chancellor of the Exchequer, having discussed it for six mortal hours, and impressed it with all his talent and eloquence on the recollection of the House; but according to the authoritative declaration of a noble Lord, then the leader of the Government in that House, the repeal of the legislative union was to be resisted even at the hazard and expense of the awful bloodshed of a civil war. Was that hon. and learned Gentleman to escape all inquiry, even from Government, after giving such a toast, while the hon. and gallant Member was visited with such condign punishment? But to take a case still more analogous,—for the hon. and learned Member supplied him with many,—the hon. and learned Member was reported to have delivered a speech in Carlow, it had indeed been contradicted by the hon. and learned Gentleman, and to that extent he was intitled to the advantage of his contradiction, but it was sufficient for his purpose that the hon. and learned Gentleman had been reported to have delivered the speech to which he now referred. The report was in these words—"Men of Carlow, are you ready? I am the last man to recommend the shedding of one drop of blood, but we have tried every means of obtaining our just rights, and they have failed; we have no means left but what I have hitherto deprecated — the shedding of blood, and blood must be shed." Such were the expressions which the hon. and learned Member had contradicted, no doubt, but which still were reported in the Irish newspapers to have been uttered by him, and which he (Mr. Colquhoun) had seen copied into the French papers as the ever-memorable words of the distinguished Member for the City of Dublin. Did those expressions call forth an equally prompt letter from Mr. Under-Secretary Drummond? The Speech came one month, the explanation and contradiction halted and lagged a little behind. Was the denunciation of the Government against the shedding of blood equally emphatic with the language used in the case of the Battle of the Diamond? He was curious to see the correspondence which had taken place on that occasion; the careful and elaborate epistle of the noble Lord opposite, and the answer if any, of the hon. and learned Gentleman. The noble Lord and the Irish Government were most vigilant of all their officers, of all justices of the peace, and all official stipendiary magistrates, under their most pure and unblemished administration. And certainly, taking the prompt visitation on the hon. and gallant Member as a sample of their proceedings, it must be confessed they appeared perfect purists in Government. What had been their mode of dealing with another Gentleman, as stipendiary magistrate in Ireland, Mr. Duff, who told a Committee of that House, in 1835, that he had advised the magistrates, in 1831, to plant a gun in the streets of Dungarvan, and sweep away, by an indiscriminate massacre, a great number of the citizens? Such was the advice he declared he gave to the magistrates of Dungarvan, and which they had bravely rejected. When a sub-inspector he laid hands on a free citizen,—Mr. Delany,—who was about to preach in a chapel, and arrested him in most scandalous violation of all public decency and popular rights; and when the case was brou ht before Lord Mulgrave, what did Lord Mulgrave do? Did he dismiss Mr. Duff? He reprimanded and promoted him. He was at that time a sub-inspector and a stipendiary magistrate, under the watchful, vigilant, prompt, and just Government of the enlightened Earl Mulgrave. On the 12th of July, 1837, a day of peculiar excitement, that Gentleman, justly obnoxious to the Protestants of Dungarvan, marked alike by the reprobation of the magistrates and the people, who knew what he desired, was sent down to Dungarvan, as the conciliator, the harbinger of peace, by Lord Mulgrave. There was another case—exhibiting another proof of the even-handed justice of Lord Mulgrave—the case of Mr. Gore Jones, formerly a violent Orangeman, and, as extremes frequently met in the same person, now a violent liberal. Mr. Gore Jones was selected by the Irish Government as a stipendiary magistrate. Mr. Gore Jones brought a charge before the committee, in 1835, against the magistrates of Derry and Antrim, stigmatising them as violent Orangemen and perverters of justice. The magistrates of Antrim denounced the statement as a calumnious and deliberate falsehood. The noble Lord had called on Jones to vindicate himself before the tribunals of the country. He accordingly brought an action for libel against the magistrates of Antrim and Derry, when the jury, after a patient investigation, returned a verdict for the defendants thereby proving that Jones had vented in the Committee of the House of Commons a calumnious libel and a deliberate falsehood against a large portion of the bench of Irish magistrates. Was that Gentleman's conduct inquired into? Did he receive letters from Mr. Under-Secretary Drummond? Was he reprimanded and dismissed? On the contrary; he still retained his situation as stipendiary magistrate. There were many other cases to which he might allude, but there was one in particular in which the noble Lord himself acted a most conspicuous part, which occurred in September, 1836, and to which he must for a moment allude. A most disgraceful attack was made in September, 1836, by the priestmen, as they were called, for the purpose of interrupting Mr. Nolan, who was preaching in the parish church of Tuam; and a very furious riot was the consequence. The curate and Mr. Nolan went to the bench of magistrates; but, instead of receiving justice from them, they were told by one, named Kirwan, that they, forsooth, having ventured to preach the Gospel in the parish church of Tuam, were the abettors of the riot which had been occasioned solely and entirely by the intrusion of scandalous and mischievous men. But not satisfied with that reception, they carried the case to the noble Lord; and what did he say? Why, that "as Mr. Kirwan had expressed his 'regret,' his excellency does not feel himself called on to pursue the matter further;" and then, having been appealed to, he went on to use the following most extraordinary expressions:—"His excellency can conceive that a magistrate might have seen reason to regret that the placards in which the preaching of Nolan was announced were drawn up in terms necessarily offensive to the religious opinions of a large majority of the people;" the terms being that a sermon was to be preached in the parish church of Tuam, on the Romish doctrines. Most offensive certainly; so offensive that a magistrate from the bench when appealed to by an unoffending clergyman must repel him from the court, and deny him justice, while the high executive took no steps to find out the miscreants concerned in this flagitious outrage, but threw its shield over the offender, the noble Lord lolling at his ease in Dublin Castle, contenting himself with saying that the magistrate had expressed his "regret" on the matter. Within the last four months a deputy-lieutenant of the county of Sligo had preferred charges, which Lord Mulgrave himself had declared were destitute of all truth, against a respectable magistrate, Major Brown. Had any step been taken to visit him with punishment? There had been no such proceeding, and yet they were to hear of the even-handed justice dealt out by Earl Mulgrave. Captain Vignolles attempted at the time of the election to quell a most disgraceful riot in Carlow, and appealed to the chief constable, Gleeson, for his assistance. Gleeson refused; he would not assist in seizing the offender and keeping the peace. The only offence charged against Captain Vignolles was, that he had been a little too active, a little too vigorous—that in a most violent riot he had laid hands on the offender, and what sentence had been passed upon him? Captain Gleeson refused to discharge his duty as chief constable, and swore at his superior officer, and yet he received no more censure than Captain Vignolles. Earl Mulgrave said, "Captain Vignolles seemed a little too eager to resort to force, which generally indicates an absence of moral influence." "Moral influence!" When a bludgeoned mob was using every species of violence, and brick-bats were flying in the streets of Carlow, Captain Vignolles was to pour the oil of his "moral influence" on so sanguinary a mob. Really this correspondence of the noble Earl afforded a lesson in moral philosophy which was worthy of the age in which he lived, and merited the approbation of all enlightened statesmen. At the battle of the Diamond the contest had been between two parties, both inflamed by religious animosity, Presbyterians on the one side and Roman Catholics on the other; the object then was, as appeared from the testimony of Wolfe Tone, to unite both with those rebellious associations of the time; and, in 1795, Armagh became like a field of battle. What happened? The Protestants of the Church of England came forward to assist the Presbyterians, whom the Roman Catholics had challenged to fight at the Diamond. A truce was entered into, which had been scandalously and perfidiously broken by the Roman Catholic party, when the Protestants were obliged, the danger having become so serious, to make common cause and attempt to put down the insurrection; and what had been the result? Had not peace been maintained ever since? Had any battle been fought since in the province of Ulster? By the Association of the Church of England Protestants peace had been carried into Ulster, and without the aid of coercion bills and insurrection acts, had still been maintained. He did not stand there as the defender of the toast which had been complained of, he should not have been a party to it, but he was also bound to say, that the Government which visited the hon. and gallant Member with such stern promptitude of punishment was bound to visit equal infliction upon the hon. and learned Member for Dublin, who had given a much more atrocious toast, as well as those other individuals to whom he had alluded, as having been guilty of much more scandalous offences than the hon. and gallant Member.

Mr. *O'Connell:* I am glad, I am exceedingly glad, to have the opportunity of discovering the precise spot in this House which the hon. Member dignifies with his presence. He has had a journey through Ireland, and he has brought home with him a great many stories, and a budget full—I will not say of blunders—but of mistakes; mistakes, too, of the most curious kind. A small one is, that Delany ever was a priest; it is another that his friend Delany is a respectable person; for that respectable person now lies in one of her Majesty' gaols, convicted of an atrocious assault. His excuse, indeed, is that the spirit overcame him. Yes, it was the spirit of potteen. Then there is, too, the notion of the hon. Member that he is acquainted with historical facts! He says that Ulster was quiet the moment that the Protestants united with the Presbyterians! Did he never hear of the battle of Antrim? Does he know that in that battle Lord O'Neill lost his life? Does he know that Antrim is in Ulster. Now, that happpened in the year 1798, and there then is his defence for peace being preserved in the north from 1797. Does he know that there was a battle fought in Down by the rebels? Did he ever hear that there was a committee of United Irishmen established in Belfast. Oh! but then said the hon. Member they were Presbyterians. What? Is he for throwing the Presbyterians overboard? I thought that some of his constituents were Presbyterians. Oh! they do some bad jobs sometimes. Here, then, is the denouncer of the Presbyterians? Let it sound through the streets of Kilmarnock—let the people be told what their Representative thinks of them. "If it were not for those Presbyterians all would be quiet—it was they who really did all the mischief." I rejoice at beholding the advocate which these Presbyterians have sent into this House. Then he gave us the story of Mr. Nolan, a priest, and of other highly respectable persons—respectable and fit enough perhaps, in his opinion, to be Presbyterians; although not considered quite fit to belong to the religion which they originally professed. In his journey through Ireland he appears to me to have picked up weeds, and cherished them as if they were flowers. But then the hon. Member quoted a speech which he made for me. That was the amount of his assertion respecting it. Now if a man in Ireland were to say to another, "Sir I beg to quote this as your speech, though I know you did not make it," he would be laughed at, and I conceive he would deserve to be laughed at. But here is another of his facts; he says Mr. Drummond did not write to me respecting that speech. Now I tell him that the first intimation I ever had of that speech having been made for me, was by a letter that I received from Mr. Drummond. I was in Dublin when I received that letter. I got it at my house, and the moment I read it I asked for liberty to see Mr. Drummond. I did see him, and I then said to him, "Good heaven! who told you that I ever made such a speech?" "Oh!" he replied, "it was stated in *The Evening Mail* of last night." I said to him, I was then going to a public meeting, and I would, if he wished it, contradict that speech. Now, I never said a word in contradiction of that speech, but others did. The high-sheriff of the county, who was present at the dinner where the speech was said to be delivered, contradicted it. The late Roman Catholic bishop, Doctor Nolan, who is since dead, contradicted it. Mr. Houghton, and one or two other magistrates who were present, contradicted it. Their statement was published in the newspapers, and by their signatures they attested the utter falsehood that I ever made such a speech. There happened, too, to be the reporters of the Dublin morning papers present; there was, too, a reporter from *The Morning Advertiser* at the dinner, and the moment he saw such a statement attributed to me, that gentleman came forward and stated distinctly, upon referring to his report, that there never was a grosser falsehood than the imputation of such words to me. I really never should have contradicted the speech, nor paid any attention to its contradiction, if my attention had not been called to it by Mr. Drummond. There was another speech said to be mine, and made in the public streets in Carlow. That was quoted in the House of Lords by the Bishop of Exeter. Now, I never contradicted that speech from that day to this, and yet it was equally false with the other, with this difference, that it was ridiculously false, not atrociously false, like the calumny in question. It is really not worth my while to contradict all the calumnies that are uttered against me. I could not have time to do any thing else if I took the trouble of refuting all the calumnies that are published respecting me. I have been calumniated in Ireland, in England, and in Scotland; and when I have replied to my calumniators I have been met with a total silence. The hon. Member says I gave the repeal of the union as a toast. Well, to be sure I did; and did I not make a motion in this House for the repeal of the union. But although the hon. and gallant Member for Armagh gave the toast of the Battle of the Diamond, he did not move in this House to raise a monument to the heroes of that battle. I was heard in this House for five hours, and I am sorry the hon. Member for Kilmarnock was not present. Oh! I understood the hint about the extremes; and if the hon. Member will but come to my part of the country, we will receive him with as much hospitality as our means afford, and I should not despair of hearing him himself giving a toast advocating the repeal of the union. Whoever has hopped across the channel of politics, like the hon. Member, would not object to give such a substantial good toast as that. It may be a bad measure, and a majority of the Members of this House deemed it so; but it is fully a question on which every man has a right to give his opinion, and I had one English Member to support my motion. It may be a foolish proposition, but it is not a sanguinary one. There is no raking up of old feuds or of old discords, nor no gloating over the shedding of human blood; It did not animate any old resentments, it did not, in the name of Christian charity, seek to perpetuate hatred and revenge. The gallant Colonel may pull out again as long a budget as he has just concluded, he will only procure cheers from those who were dumb enough whilst the noble Lord was making his magnificent reply. I never witnessed a more exemplary silence than that which reigned on the opposite benches during the castigation, which the speech of the noble Lord gave them. I do not regret that I made a motion for the repeal of the union, though when I made it I did not know that I should ever see such a Chief Governor of Ireland as the Earl of Mulgrave, or such a Chief Secretary as the noble Lord, who, instead of hunting the small deer of society, had pulled down the chief stag of the forest. Yes, a stag of ten antlers,—and who had taught the lordly dominator of the forest of Maghera, that he was bound, as well as the meanest peasant on his domains, and that he must expect punishment and dismissal if he ventured to set a pernicious example.

Mr. *Litton:* Sir, as one connected by residence and many other ties, with the county of Tyrone, I feel myself called upon to enter my protest at once against the version given by the noble Lord to the transactions which have taken place between him and my hon. and gallant Friend. I tell the noble Lord that such a version will not be received by the country. I tell him that there is but one sentiment pervading the mind of every independent gentleman and magistrate in Ireland respecting this transaction, and that is, a sentiment of distrust and alarm. Of alarm, because they deem that the conduct of the Irish Government has been an infringement of their privileges as magistrates, and of distrust, because they believe that the act of the Irish Government, in Col. Verner's case, has been a party act, directed and instigated by a faction, to which the Government scarcely deny they are compelled to yield obedience. Sir, with respect to the history of the Battle of the Diamond, I must totally dissent from the historical reminiscences of the noble Lord. He has culled from newspapers the speeches of Members of Parliament of that day, and from them has taken an account of the transaction favourable to his views; but he has, he must permit me to say, studiously avoided reference to every thing that deserves the name of history upon the subject. I refer him for a history of that dangerous conspiracy, in which the Defenders were actors, to the writings of that able but unfortunate man, Theobald Woulf

Tone, who had himself been a party in forming the conspiracy, and who was a principal leader of it. How does he describe the Defenders? As a party bound by a solemn oath to the separation of Ireland from England — bound to separate from the monarchy of England, and to bear allegiance to France; and one of whose oaths was, in the words of their leader, "to be faithful to the united kingdom of France and Ireland." A body which the same individual described as ready to rise to a man the moment a landing of French troops was effected. Now, Sir, such being the history of the body who were the aggressors at the Battle of the Diamond, I say that the noble Lord has no right to apply to that battle the epithet of a disgraceful conflict. A band of rebels and traitors was bravely and successfully resisted by a body of brave and loyal men—then, as they are to this day, firmly attached to England and to British connection. But suppose that it was a conflict of the nature described by the noble Lord, (whose statement I maintain is collected from scraps and shreds of newspapers, not from any authentic sources)—still the toast was one given at a private dinner—a dinner from which all were excluded save the friends, and relatives, and supporters of my gallant Friend—and I say that the Irish Government has on this occasion adopted a system of espionage, of prying into the social circle, which I trust every English Gentleman, no matter what his politics may be, will join with me in deprecating and condemning. But even if the fact were otherwise, if the toast was given with open doors, has any answer been given by the sitting Member for Dublin, or by the noble Lord to the charge which, (not we), but the entire country makes against the Government respecting him. I say, the conduct of the Government in his case, has convinced the Irish public that impartial justice is not administered by that Government. The hon. Member for Dublin says, he has given as a toast the repeal of the union—that he will do it—and let him do it. But I ask, is it right or proper that a magistrate and a Member of this House should be permitted, in the midst of an excited population, with thousands of the lowest classes around him, to make speeches which the press carry to millions of a similar description, in which he calls on his deluded countrymen to "agitate, agitate, agitate," for a repeal of the union—and in which he calls on "the young blood of Ireland to arise as one man, and to agitate to the last for a repeal of the union," which the present Government has declared, and every thinking man must know, must lead, if effected, to a dismemberment of the empire; and still they allow him to hold the commission of the peace. But, Sir, there is another subject to which I would wish to call the attention of the noble Lord opposite. I ask him how can he allow the Member for Dublin to hold the commission of the peace, knowing that the hon. and learned Gentleman did, last year, in the Irish association declare, "that he had not advised the people against the payment of tithes, but that he would rather permit the bed to be dragged from under him, and his body thrown into jail than pay one farthing of tithe." If the noble Lord wished to know the date of his speech, it was made in January, 1836, and is reported in *The Evening Post* of the 14th of that month. Such, Sir, was the language used by the learned Member for Dublin. Thus did he talk to the country of the "blood-stained tithes," blood-stained, I say, by himself.

Mr. *O'Connell:* I submit, Mr. Speaker, that the hon. Member is out of order in imputing to me a share in tithe conflicts.

The *Speaker* thought the hon. and learned Member (Mr. Litton) was out of order.

Mr. *Litton:* Oh, there is no Gentleman in this House who will, I am sure, imagine that I meant to say the learned Gentleman was ever present at a tithe conflict—he takes too good care of himself for that.

Mr. *O'Connell:* The hon. Member knows he is safe in insulting me, but I submit, Mr. Speaker, that he is out of order in accusing me of having instigated tithe conflicts.

Mr. *Litton:* And I repeat the charge. Can any man assert that the learned Member has not instigated tithe resistance?

The *Speaker* again intimated to Mr. Litton that he was out of order.

Mr. *Litton:* I shall always bow with cheerfulness and respect to the opinion of the chair; but I tell the hon. Member that I come here to do my duty, and, therefore, will not by threats or intimidation be prevented from taking that course which I conscientiously believe to be my duty. When misrepresentations are made I think it my duty to correct them, and for this reason I have endeavoured to give a true version of these transactions. I shall now read the actual words used by the hon. and learned Gentleman, and then leave the matter to the opinion of the chair. [Mr. *Litton* repeated his quotation.] And this was said amidst tremendous cheering from the excited thousands by whom he was surrounded. Thus did he pour forth the language of excitement to his followers against the payment of a legal and just demand, which the clergy have an undoubted right to, and which, with the assistance of the law, they will obtain. And what has been the consequence? The country has been deluged with blood. There is no man who wishes to see the tithe question equitably settled more than I do; but while the law stands, I ask, should the Lord-Lieutenant of Ireland permit a man to hold the commission of the peace, to openly excite the people to a breach of the law, and to resistance to an undoubted right. Gentlemen on the other side may cheer—they would rather not hear such matters detailed; but as long as I am borne out by fact, I care little for their cheers. I ask the noble Lord once more—I ask of the Irish Government how can they justify themselves to the country for dismissing my gallant Friend, and yet retaining in the commission of the peace the learned Member for Dublin? I ask him can an Irish clergyman of the Established Church go before that Lord-Lieutenant in a tithe case, and hope for impartial justice? Sir, I throw back the polite words of the noble Lord—I tell him, if he wishes to give the country an impression of his justice, he has no choice but to dismiss from the commission of the peace the hon. Member for Dublin—the gallant Colonel has been dismissed after a period of active and efficient services of thirty-three years—he has been dismissed for a magisterial offence—and it was one as nothing, when compared with the magisterial offences of the Member for Dublin—you have dismissed the one, retain the other, and no man in the country will believe that impartial justice is administered by her Majesty's Government in Ireland.

Major *Macnamara* said, that some opinion might be formed of the state of the law at the time of the "Battle of the Diamond"—a period at which he had himself been on military duty in the county of Armagh—from the fact of there having been written on the church doors, "To Hell and Connaught with every Papist," &c., on a certain day.

Mr. *Shaw* rose principally for the purpose of referring to a letter which he had received within the last few days from a clergyman of the county of Wexford, in Ireland, relating to a transaction which had recently occurred there, and in respect of which he wished the House and the public to contrast the conduct of the Irish Government with that which they had pursued towards his hon. and gallant Friend in the case then under the consideration of the House. The letter was from the Rev. Dr. Elrington, of Templeshambo, in the county of Wexford. It stated, that early in the present year a man employed by him to serve law subpœnas for composition rent, had been brutally attacked and nearly killed close to Mr. Elrington's house, to which he was brought with difficulty, and attended by a surgeon for a fortnight. Soon after, an anti-tithe meeting was held in the immediate neighbourhood of Mr. Elrington's house, and presided over by a magistrate of that county—but the circumstance to which he (Mr. Shaw) more immediately desired to draw the attention of the House was—that on Sunday, the 5th of last month, another anti-tithe meeting was held in the same parish, and presided over by the same magistrate. Resolutions were passed, to levy half a year's tithe throughout the parish, for the purpose of resisting the legal demand of the clergyman; and he would read to the House a copy of the advertisement under which the meeting was assembled; it was as follows:—"Great Anti-Tithe Meeting, to be holden at Ballindaggin, on Sunday, the 5th instant. It is requested that all those who do not wish to remain slaves to the oppressive and bloodstained impost, tithe, will attend, and register their names with their friends, in the cause of civil and religious liberty. The demon of persecution is let loose on the industrious inhabitants of Ballindaggin. The Elringtons are abroad. 'To your tents, O Israel.'" These were plain and intelligible hints in Ireland. Now he did not know what this magistrate might have to allege in his defence, nor then pronounce an opinion whether that magistrate ought or ought not to have been dismissed—but this he did know, that in point of fact such a notice as he had read had been given of an anti-tithe meeting—that the meeting was held in pursuance of it—that a resolution was passed to collect money to resist the payment of a legal due—that at that meeting a magistrate of the county was the chairman—that the facts and circumstances were reported to the Government, and that the magistrate still continued in the commission of the peace—while that same Government, boasting of their impartiality, had dismissed his hon. and gallant Friend, after three-and-thirty years' service as a magistrate, during which time an imputation had not been cast against his public or his private character; a man of high station, of ample fortune, of independent usefulness in the county where he resided—and he lamented there were too few such residents in Ireland—and under what circumstances? Why, the noble Lord, the Secretary for Ireland, did not himself know the facts of the case till that night.

Lord *Morpeth:* Why did not the gallant Colonel explain them in his answer to Mr. Drummond?

Mr. *Shaw:* Because the letter of Mr. Drummond was couched in such terms, that in the answer to it no man of spirit and independent feeling could have condescended to enter into an explanation; but what were the facts, as his hon. and gallant Friend had stated that night? His hon. and gallant Friend, at a dinner given to his private friends, not having intended to give the toast in question (the expediency or propriety of the toast itself he was not then discussing), not having had it upon his list of toasts—but at a late hour, when the principal part of the company had retired, there being present an old Gentleman who had been engaged in that battle of self-defence and necessity, on the part of the Protestants—and the opposite party being the aggressors, as admitted by the noble Lord (Lord Morpeth,) his hon. and gallant Friend, as a compliment to that old gentleman, gave his health coupled with the battle of the Diamond, at which he had distinguished himself by his personal bravery. Colonel Verner was removed; the Wexford magistrate (to say nothing of hundreds of similar cases) continues. And this then was adduced as a proof of that equal and impartial justice to Ireland—that holding of an even balance between contending parties, which they were told, forsooth! distinguished the present Irish Government from all others that had ever administered the affairs of that country. The noble Lord (Lord Morpeth) in his speech had certainly committed plagiarisms very largely from speeches made in the Irish Parliament. Those speeches no doubt expressed in very glowing terms, the party sentiments of the individuals who made them, in a warm party debate. And it was competent to the noble Lord now to quote them as expressing his own, but to rely upon them as historical proof, or in the nature of a judicial opinion in reference to the events in question, or the characters of the parties adverse to the speakers, which they described the noble Lord might well, twenty years hence, cite the violent speeches made in the present day by the hon. and learned Gentleman, the Member for Dublin (Mr. O'Connell,) or of the son of that distinguished man to whom the noble Lord had referred, Mr. Grattan, the hon. Member for Meath as true and just descriptions of the character and conduct of the Irish clergy or the Irish Protestants of this time. The noble Lord had noticed a cheer of his during the noble Lord's speech as meant to express dissent from the line the noble Lord was taking at the moment; it certainly was so meant; and he must say that he considered it inconsistent with the good taste and the good feeling usually displayed by the noble Lord even to his political opponents, to have referred upon the present occasion—to have "ripped up," in the words of the noble Lord himself, an old complaint of many years' standing against his hon. and gallant Friend, connected with some proceeding at Maghera, and reported upon by Mr. now Judge Perrin. By the noble Lord's own statement that case was known for many years to the Government. If it had been a sufficient cause in itself for the removal of his gallant Friend why had it not been acted upon? If it had been considered by the Government necessary to throw it into the scale as a make-weight with the present matter why was not that stated in Mr. Drummond's letter, or in any way made a part of the charge against which his hon. and gallant Friend was to defend himself, when he received notice of his intended dismissal? But, above all, these opportunities being passed by, was it becoming in the noble Lord to use it that night, to bolster up the present case against his hon. and gallant Friend, after he without any notice that that was to be any portion of the alleged offence from which he was to discharge himself—and not till after his hon. and gallant Friend had made his statement in his own defence against the only charge of which he was apprised; and he was bound to say, that his hon. and gallant Friend had made that statement in a candid, manly, and straightforward manner that did him infinite honour. Among other observations of the noble Lord's there was one with respect to which he was entirely at issue with the noble Lord. The noble Lord boasted that amongst the effects he calculated upon from the step taken by the Government in the dismissal of the hon. and gallant Colonel, was the discontinuance of the toast in question for the future. Now he was convinced that the very reverse would be the consequence; for himself, he declared that up to the moment he read the official letter of Mr. Drummond on the subject, he never in his life had heard of the toast of "the Battle of the Diamond." His hon. and gallant Friend said it had been well known in the county of Armagh. But he believed it was wholly unknown out of that immediate district; but since it had been brought into notoriety by the Irish Government, it was heard in every place and every shape; it was now celebrated in verse as well as prose it was set to music, and made the subject of ballads and of songs throughout the country. One couplet of one of those he recollected, and he believed it would be rendered perfectly prophetical by the course the noble Lord and the Irish Government had pursued. So far from the toast of the "Battle of the Diamond" being on that account discontinued, he had no doubt that in the words of the song to which he referred—

"Still it shall be in Ireland
A toast for ever more"—

The noble Lord might have spared the taunt that many of those who usually sat on his (Mr. Shaw's) side of the House, were absent on that occasion. The fact was, there was a very considerable number of them present; but their attendance was entirely spontaneous. His hon. and gallant Friend, intending no division, he was persuaded, asked no single Member on his side to attend, desiring simply to lay the plain facts of his case before the public. But if he was not much misinformed, the noble Lord had no such reliance on the intrinsic merits of the facts which were to sustain the Government; for although the noble Lord had never meant to refuse the papers, he still was anxious for a full bench of cheerers, and had sent forth a treasury summons that morning to all the adherents of the Government to attend "on the motion of Colonel Verner." In conclusion, he had only to observe that the question was not whether the toast was better to be given or omitted —not one of criticism upon the correspondence which had ensued upon it between his hon. and gallant Friend and the Irish Government—but, under all the circumstances of the case, he considered, and he believed the public would think with him, that the removal of his hon. and gallant Friend from the deputy lieutenantship and magistracy of his county was an unworthy —he was going to say a paltry—act on the part of the Irish Government.

The *Chancellor of the Exchequer* would have been satisfied to have left this question to the House, with the speech of the noble Lord, the Secretary for Ireland, but for one observation which had fallen from an hon. Member, and he must say, he thought in bad taste, as to the conduct of the officers of Government. When the hon. and gallant Colonel put any portion of his conduct in issue, he put the whole of it in issue, and the whole question was before the House. With respect to the suggestion that it was unjust to refer to past transactions, in which the hon. and gallant Colonel was concerned, he would ask, whether it was not also unjust or cruel to refer to other acts committed by another hon. Member long ago, and which were not acts done by him in his capacity of a magistrate? He thought, that the hon. and gallant Colonel had suffered enough from the castigation he received on a former occasion. He almost fancied he heard the hon. and gallant Member exclaim, "*et tu Brute!*" Oh, it was the most unkindest cut of all! He had never known, in the course of Parliamentary discussion, an hon. Gentleman attempt to make a blow at his political opponent; and instead of doing that, inflicting so deadly a wound on his political friend. But that was not all. He must confess, that the hon. and gallant Officer, who, from his personal and military character, ought to be better able than his learned Friends to enter the lists, was, on this occasion, little indebted to his Friends. Not one of them had attempted to justify him; not one had justified the Battle of the Diamond, or the course which the hon. and gallant Member had taken on the occasion of the toast being proposed. They all had recourse to the memorable *tu quoque* argument; they did not defend the hon. and gallant Colonel, but they said that others had been equally guilty, without receiving equal punishment. Now, assuming the fact to be true (for he would not attempt to controvert them at that hour of the night), but assuming the facts alleged to be perfectly true, that Mr. A. here, or Mr. B. there, or some other person at Ballybeg, had been guilty of an offence—an offence which he had never heard of. He had then heard of it for the first time; but, assuming that this anonymous person at Ballybeg had committed an offence, was that to justify the hon. and gallant Colonel? He owned he almost sympathised in the situation of the hon. and gallant Colonel: it was too bad, after the severe infliction to which he had been subjected in the eloquent speech of his noble Friend, that he should be again subjected to the almost equally severe infliction of his Friends. He must say, that that there might be something in the argument, if they could establish an analogy; but he almost regretted the situation in which the hon. and gallant Colonel had been placed by the line of argument taken by his hon. Friends on this occasion. Of the Friends of the hon. and gallant Colonel, the Ministers had no cause to complain; on the contrary, he thanked the hon. and gallant Officers from the bottom of his heart, for the discussions they had done him the favour to introduce before Parliament, on Irish affairs. They were by far the most generous opponents he had ever met with. They had exhibited a degree of chivalry of which modern times had afforded no example. And why? Because, in their consideration for their opponents, they had been willing and ready to sacrifice themselves. This, he must admit, was to be expected from their country; it was left to the chivalry, or perhaps to another characteristic which belonged to the country to which they in common belonged, that there should be found Gentlemen willing to make a sacrifice of themselves for the sake of their political opponents. Therefore, as far as he was concerned, he most respectfully and most sincerely, to both the hon. and gallant Officers, returned his most profound and reverential acknowledgments. But he thought, that in other respects, they had cause of complaint. The hon. Gentlemen opposite introduced debates, but they would come to no division. Why not bring forward a motion to justify the toast of the "Battle of the Diamond." Why not endeavour, by a division, to justify the course taken with respect to the conduct of Mr. Blake. An hon. and gallant Officer, in the course of the debate on that occasion, had referred to the charges brought against that individual, but he sought to keep out of sight the recommendation of the tribunal before whom the charge was tried. They were loud in their charges in other places; why not redeem their pledges, and place them upon a substantial issue upon which the sense of Parliament could be pronounced, and upon which the judgment of the people might also be called for? He would say one word with respect to this unfortunate toast. He believed, with the hon. and learned Gentleman (Mr. Shaw), that the discussions which it had produced, were calculated to raise the toast into an importance which it ought never to have met with. Upon whom ought the fault to lie? Was it upon those who discharged an always painful duty—painful from the personal considerations and feelings of those concerned—a duty in strict accordance with the obligations which they owed to the public, or upon those who endeavoured rashly, he might venture to say wickedly, not in the sense of any moral offence, but a carelessness, recklessness, wickedness, in scattering firebrands amongst inflammable materials—individuals who went back to history, not to seek lessons of moral instruction to lead them to avoid danger and escape crime, but who ransacked history for the purpose of exasperating party feeling, and exciting a rancorous spirit of hatred and revenge. He considered it no greater offence in the barbarian to poison wells under the idea that he was performing the office of legitimate warfare. He should think, that he had but ill discharged his duty if he sat down without saying a word on the character of the tranquillity of Ireland. No ties that connected him with a British constituency, much as he valued and greatly as he respected them, could ever absorb the earlier ties of the country of his birth. He had lately visited that country. He had there performed the duties of magistrate at times, when the impartial exercise of those duties required strong interference. But he had never been remiss in the discharge of those duties. In that capacity, he would take upon himself to say, after a residence in Ireland which enabled him to judge of the condition of the country, in the capacity of a witness, that he felt bound to give the most perfect and complete testimony that could be rendered to the tranquillity of that country, and to the peace, order, growing good feeling, and respect for the law which exhibited itself there. The columns of local and party newspapers had been raked to furnish a catalogue of disgraceful crimes; but where was there a great and thickly-populated country in which crimes of great magnitude and of the worst character were not to be found? But crime was diminishing in Ireland, as might be seen on reference to the returns made under the Government of Lord Talbot, and various others. As an instance of the way in which the long catalogue of crime was made up, he could state that during the course of the last year a Bill was passed to impose a severe penalty upon drunkenness in Ireland; and in one county 400 persons had been convicted of drunkenness. But the convictions were made a charge against the Government; they went to swell the catalogue of convictions, and to prove that Ireland was far from being in a state of tranquillity; and the increase of the commitments for this crime had actually been brought as a charge against the present Government in Ireland. He was not surprised that the hon. Members opposite were not enamoured of the present discussion. He was exceedingly sorry that this sorry discussion was not to be followed by as sorry a division, and that the House would not be able more emphatically to mark its opinion of the resuscitated Battle of the Diamond.

Colonel *Perceval* said, it was quite impossible for him to remain silent after what had fallen from the right hon. Gentleman. He never had heard a speech more full of ungenerous declamation, and he could not congratulate the right hon. Gentleman on his good taste in comparing to a barbarian the gallant Gentleman who had given the toast of the battle of the Diamond. Such an imputation was ungenerous, he would say unmanly. Nor could he congratulate the right hon. Gentleman on the discrimination which led him to point out the company who drank the toast as inflammable firebrands, and made him blind to the dreadful consequences of the turbulent agitation set on foot by hon. Members on his own side of the House. The right hon. Gentleman could see plainly the smallest speck, nay, even imaginary specks, on the character of any hon. Gentleman who sat opposite to him, but was blind to the faults or the crimes of those who gave him their support, however dearly he might purchase it. When the right hon. Gentleman talked of the paucity of numbers on that (the Opposition) side of the House, compared with those on his side, he seemed to have forgotten the note issued from the Treasury that morning. With regard to the insinuation that he had pressed harshly the charge against Lieutenant Blake, he had understood from the noble Lord, the Secretary at War (Lord Howick,) and from the Judge Advocate-General (Mr. Fergusson,) that government would not object to the production of the papers for which he moved. Government, however, had refused to grant them, and obliged him to go into the case at some length, so that if any cruelty had been shewn, it must be laid at the door of Ministers. He exceedingly regretted that he had not read the recommendation to mercy agreed to by the court-martial that sat on Lieutenant Blake, but all the papers relating to his case were in the hands of the Secretary-at-War, who might have read it had he thought proper. But the right hon. Gentleman would find, on reading that recommendation to mercy, how far he had merited the censure lavished on him by the right hon. Gentleman, with the view of diverting the attention of the House from the subject before it. The right hon. Gentleman forgot that he offered to read it to the House, and he would find in the document itself some excuse for not doing so. It was the duty of the right hon. Gentleman to have read the recommendation before attempting to pass on him a censure which he conscientiously felt he had not deserved—Having said so much, and having endeavoured to throw the imputations cast on him on those to whom they were more justly applicable, he should only say, that the noble Lord, the secretary for Ireland, had been forced to admit the appointment of Lieutenant Blake to have been wrong. That case, he could assure the House, was not brought forward by him from personal feelings, but from a desire to show the partiality and injustice of the administration. One word as to the battle of the Diamond. He had never heard of it before he read the letter of Mr. Under-Secretary Drummond, who was, he thought, greatly to blame for the phraseology he had used. He was sorry that it should be added to the list of party toasts current in Ireland, or that it should contribute to perpetuate those unkind feelings which no man was more anxious than himself to abate.

Mr. *John Ellis* said, that it was with great sincerity he assured the House that there were certain circumstances which compelled him to forego any feeling of reluctance that he might have otherwise entertained to add to the length of this debate, and which induced him to offer a few observations upon the subject matter then under its consideration. During the late general election, and on his way through Newry, it happened that he became, for the first time, acquainted with the hon. and gallant Member for the county Armagh, and was then and in that place earnestly and verbally invited by him to meet at dinner in Armagh, on the Monday following, some of the hon. and gallant Member's friends, whom he said he should entertain on that day. Now, the House would observe, that nothing could be more private than the invitation which he received, having been invited accidentally, verbally, and by the host himself; not, be it remarked, in the name of a committee, given in the form of a circular and inclosing a list of toasts, as he believed was the usual way adopted for the furtherance of any great public entertainment; but he was asked in the same way and in no other than every day produces in the common interchanges of civility in private and domestic life. He had been given to understand that all the guests of the hon. and gallant Member had been similarly invited. The dinner was given, not at a public hotel, as represented in that elaborate epistle of the noble Lord opposite, but at some rooms hired for that purpose. And though his opinion might not be deemed of much weight when put in opposition with that of the noble Lord opposite, still he would venture to remind the noble Lord that it was a broad rule of the English law, that when a person hired a room it was virtually his own, under such circumstances, to enjoy in as ample a manner the advantages of private independence as he might in any House of which he was in the enjoyment of a lease, and if this was the law as applied to rooms hired in a public hotel, it applied with greater force in granting immunity to the occupier of rooms which did not belong to a public hotel from the curse of domiciliary espionage. When "The Battle of the Diamond" was proposed, he (Mr. Ellis), in common with many other Members of that House, knew no more of the historical incidents connected with it than he did of the Emperor of China. But had he thought that the room wherein he was then sitting was open to the public, or not being open to the public, was infested by Government spies—he would have refused to pledge the toast until he had been made acquainted with its real character. But, believing that the English Government would scorn to become the patrons of eavesdroppers, he felt sufficient confidence in the honour of the hon. and gallant Member that he would not be called upon to pledge an exceptionable toast.

Colonel *Verner* said, that it was not his intention to occupy much of their time by a reply. The noble Lord had stated, that he had been unable to give the Irish Government a satisfactory answer; but this was not the case, as he should have felt happy to have given the Irish Government the explanation which he had that night given to that House. He was absent when Mr. Drummond's letter was received; but even if he had seen it at the moment, it was such a letter as, on consideration, he should have found it wholly impossible to comply with. He had acted for thirty-three years as a magistrate, both in his own county and in the county of Armagh, and he would defy the noble Lord, or any one else, to show a single instance in which he had acted unjustly towards either Roman Catholic or any one else. He had many Roman Catholic tenants, and he did not think any of them would be found to say that he had ever in his life acted harshly towards any of them. With respect to the observations which had been made about the toast of "The Battle of the Diamond," all he could say was that he should be greatly obliged to the Government if they would institute proceedings against him on that ground, because he well knew he would be acquitted on it. He was conscious he had always discharged his duty uprightly and honestly, but (said the hon. and gallant Officer) I must be permitted to say, that the language used towards me by the right hon. Gentleman, the Chancellor of the Exchequer, was not only uncalled for but wholly undeserved. I am obliged to my hon. and gallant Friend, the Member for Sligo, for the manly way in which he has stood up to defend me; but when the right hon. Gentleman, the Chancellor of the Exchequer, charges me with "scattering firebrands to excite an inflammable population, and poisoning wells," I feel myself called upon to repel such a charge with the indignation which it deserves, and there is no language which the rules of the House will admit me to use, which I do not use in giving it my flat contradiction and denial. Sir, there is no word which the English language supplies which I do not intend to use to express my indignant and just contradiction and denial, and I repel the charge of my having "scattered firebrands or poisoned wells," utterly, and declare that I never did any thing of the kind in the whole course of my life, nor do I believe any one who knows me would believe me capable of such conduct. I repeat, Sir, that there is no word of the English language which I do not use to repel the charge brought against me by the right hon. Gentleman.—[*Cries of Order and Chair.*]

The *Speaker* said, that the hon. and gallant Member must feel that he was bound to confine himself to that language which was fit and proper to be addressed to the House itself, and, therefore, when the hon. and gallant Member said that he would use language that was fit for a Member to use towards the House, but that he would leave it to the imagination of any hon. Member to supply other terms than those that were fit and proper to be used, the hon. and gallant Member must feel that he was exceeding the limit which was permitted to Members in the use of language in that House.

Colonel *Verner* expressed a hope that he had not made use of any language which was unbecoming in him to use towards the House.

The *Speaker* observed, that the hon. and gallant Member must know that language used by any hon. Member which was not fit to be addressed to another was an offence, not only to the individual, but to the House. He hoped the hon. and gallant Member would at once say, that he intended by what had fallen from him to limit himself to the use of those expressions which were proper to be addressed to the House itself.

Colonel *Verner* said, he was very ready and willing to make any apology in his power to the House, but he must say, that he considered the language used by the right hon. Gentleman was an insult to him, and he also conceived that it was an insult to the House.

Mr. *Robert Steuart* said, that after what had fallen from the hon. and gallant Member he scarcely felt that he had any right to interfere in this matter; yet as no other hon. Member had risen, he thought he should not be acting improperly by declaring it to be his opinion that his right hon. Friend beside him might as well at once state that in the expression he used he did not mean to say anything personally offensive to the hon. and gallant Member; again, that hon. and gallant Member stating that he also, in the language he had used, did not mean to say anything personally offensive to his right hon. Friend.

Viscount *Morpeth* was quite sure that his right hon. Friend did not use any language which he was not justified in using. He conceived that his right hon. Friend had been misunderstood by the hon. and gallant Officer. What his right hon. Friend had said was, that the moral effect of the conduct of the hon. and gallant Gentleman was like scattering firebrands among an excited population. That he conceived was entirely within the fair scope of Parliamentary debate, and therefore his right hon. Friend, not having used language calculated to insult any, had nothing to explain.

Sir *Robert Bateson* said, that it not only struck him, but many Friends near him, that the language used by the right hon. Gentleman was most personally offensive. It was certainly harsh language, and he must also say offensive: he hoped, therefore, the right hon. Gentleman would at least tell his gallant Friend that be did not mean it in that sense in which it had been understood by him and his Friends around him.

The *Chancellor of the Exchequer* said, he should be happy to repeat that which he actually did say, and then submit himself to the judgment of the House, and the deliberate judgment of the hon. and gallant Officer, having nothing to explain, and still less anything to retract. In the course of his speech he (the Chancellor of the Exchequer) observed, by way of a general proposition, that those who quoted history, not for the purpose of extracting useful lessons from its pages, but for the purpose of exasperating the feelings and exciting the animosities of party by making their guilty deeds subjects of commendation and praise, were like those who poisoned wells or scattered firebrands among inflammable materials. That was what he had stated, and what he would repeat. If he thought he had said anything that was calculated, he would not say to insult the hon. and gallant Gentleman, but to give him a moment's pain, or had used language which was unbecoming in one Gentleman to use towards another, he should be perfectly ready to recant, to explain, to apologise in any way in which any Gentleman could explain, retract, or apologise. But he had no self-reproach in that respect; he felt upon his honour that he had given no just cause of offence, and, therefore, he had no explanation to give, no retraction to make.

After a pause,

The *Speaker* rose, and expressed a hope that the hon. and gallant Member (Colonel Verner,) must now be entirely satisfied that the right hon. Gentleman had no intention of saying anything that could be offensive.

After another pause,

Mr. *Jackson*, said, he trusted that his gallant Friend would feel quite satisfied after what had fallen from the right hon. Gentleman. No Gentleman could expect more from another than saying he did not mean any personal offence.

Colonel *Verner* said, he should be sorry not to express himself perfectly satisfied with the explanation of the right hon. Gentleman, after the observation of his hon. and learned Friend; but he could not avoid saying that the language used by the right hon. Gentleman was language to which he had not been accustomed, and appearing to come directly from the right hon. Gentleman to himself, was such as he ought not to suffer under.

Motion agreed to.

HOUSE OF COMMONS,

Tuesday, December 6, 1837.

Minutes.] Bills. Read a second time:—Highway Rates.—Read a third time:—Municipal Officers' Declaration.

Petitions presented. By Mr. Grote, from a number of Dissenting Congregations in London, for extending the working of the Municipal Officers' Declaration Bill to the whole empire.—By Mr. Christopher, from Gainsborough, against the Poor-law Amendment Act.—By Mr. Gillon, from Leith, for Household Suffrage and the Ballot.—By Mr. Miles, from Warminster, for the repeal of the Beer Act.—By Mr. Hume, from three Protestant Dissenting Congregations in London, for extending the Foundation Schools (Ireland) Bill to persons of all religious denominations, by making it apply to the whole empire.]

Irish Elections.—Subscriptions.] Mr. *William Smith O'Brien* rose, pursuant to notice, to present a petition, which he believed was somewhat of a novel nature, but not more unprecedented than the circumstances out of which it had arisen. The existence of an election subscription Fund carried on for several months in England and Scotland was a matter of public notoriety, although it had not yet been alluded to in that House. It appeared to him, that a subscription professedly raised for the purpose of encouraging the presentation of petitions—

Sir *Edward Knatchbull* rose to order. He would be the last to interfere between any hon. Member and the right to present any petition he thought proper to that House; but he understood, on the authority of the chair, a rule had been adopted by mutual consent of both sides of the House, that no discussion whatever should take place on the presentation of petitions. If it was the intention of the hon. Member merely to state the substance of the petition, he would be acting in complete conformity with the rule which had been laid down; but he appealed to the authority of the chair whether it was competent for the hon. Member to enter generally into the subject matter referred to in the petition.

The *Speaker* said, the question had undoubtedly been submitted to the consideration of the House, and whatever rule existed was founded upon the authority of the House. There was a discussion announced for this very evening with reference to the subject matter of the petition, and, therefore, the hon. Member would probably think, that he would not only satisfy the rules of the House, but also meet the full justice of the case, by stating merely the substance of the case. Any argument on the merits of the petition would most appropriately be given in the course of the evening.

Mr. *O'Brien* was quite ready to comply with the suggestion which had been thrown out. He was not disposed to enter into any argument on the subject; but it appeared to him, that under the particular circumstances of the case, he should adopt a legitimate and constitutional mode of bringing the matter before the House in the shape of a petition, considering himself aggrieved by the conduct of an hon. Baronet, a Member of that House, subscribing to a fund, having for its object the encouragement of petitions against the due return of hon. Members to that House, and among others, of himself for Limerick; and therefore he hoped he should be allowed—he believed he had a right—to read the petition at length.

The *Speaker* said, the hon. Member might state the substance of the petition, but the rule of the House was, that he must not read the petition at length.

Mr. *O'Brien* would then merely move, in the first instance, that the petition be brought up.

The Petition having been brought up,

Mr. *O'Brien* moved, that the petition be read at length by the clerk—he insisted on his right to have it read, and if it were necessary, he should divide the House upon the point.

The Clerk read the petition, as under:

"To the Hon. the House of Commons.

"The humble petition of William Smith

O'Brien, one of the sitting Members for the county of Limerick,

"Humbly showeth,—That your petitioner most respectfully approaches your hon. House with a petition and complaint touching a matter which not only affects himself, but also deeply concerns the privileges of your hon. House, the rights of the electors of these realms, the especial interest of the people of Ireland, and the general well-being and concord of all parts of the United Kingdom.

"That your petitioner begs respectfully to call the attention of your hon. House to the existence of a public subscription set on foot in England for the purpose of encouraging the presentation of petitions against Members returned to serve in this present Parliament for the counties, cities, towns, and boroughs of Ireland, and of defraying the expenses attendant upon the conduct and prosecution of the same.

"That it appears from successive advertisements in the public newspapers, that a very large fund has been already raised in England for the purposes above-mentioned.

"That inasmuch as the persons who have been induced to subscribe to this fund for the most part are unconnected with the constituencies of Ireland, and have had no opportunity of personally witnessing the proceedings at the Irish elections, they have necessarily been liable to be misled by the misrepresentations of persons who have an interest in deceiving them."

Sir *E. Sugden* rose to order. He submitted that the course which had been adopted on the present occasion, was altogether a novel proceeding. He had no wish to prevent the sentiments or opinions of any hon. Member being given fully to the House and the country upon any question of public or private interest. He simply rose to submit the question whether this petition should be received, it being the petition of the Member himself who presented it, on a question which concerned a public grievance.

Mr. *O'Brien* said, he brought the matter forward as a matter of private grievance. He approached the House in the character of an aggrieved party. He complained of an hon. Baronet, a Member of that House, subscribing to a fund, having for its object to deprive him among others of his seat; and he did not see how the circumstance of his being a Member of that House should deprive him of that right of complaint which belonged to every other subject of her Majesty.

Sir *E. Sugden* said, that the hon. Member had not opened the case as one of private grievance. At all events, this course, if adopted, would occasion a very serious public grievance. What would it lead to? Hon. Members would write out an argument, deliver a pamphlet in the shape of a petition to the clerk at the table, and insist upon its being read at length, and thereby the greatest possible inconvenience must be produced. If it were a private grievance that was complained of, he should offer no objection to the reading of the petition; but having been opened as a matter of public grievance, he called for the opinion of the chair for the guidance of the House on so important a question.

Mr. *Lambton* could not but think it an act of great presumption on the part of the right hon. and learned Gentleman to interfere when the clerk was reading the petition, the Speaker having expressed his opinion in favour of its being read.

Sir *E. Knatchbull* was sure the hon. Gentleman had made a charge of presumption against his right hon. and learned Friend which was wholly untenable. The hon. Member was under a misconception. When a Member presented a petition and required that it should be read, as a matter of courtesy it was usual to have it read. That was the extent to which the rule had hitherto been carried. But the question was in the present instance greatly affected by the fact that the petitioner was the hon. Member himself, petitioning on his own part, and complaining of a public grievance. If it were a private grievance of which he complained, by which he wa likely to suffer, his right hon. and learned Friend would not have urged his objection.

Mr. *H. Grattan* said, his hon. Friend, (Mr. O'Brien) had distinctly stated that he complained of a private grievance; but after the letter written by the hon. Baronet, the Member for North Wiltshire, (Sir F. Burdett) he was disposed to think the matter should have been treated as a direct breach of privilege. There could be no doubt of the hon. Member's right to have the petition read at length.

Mr. *Wakley* said, he would be glad to learn from the Speaker the course which ought to be pursued on this occasion. The hon. Member below him, in introducing the petition by a few remarks, was interrupted by the right hon. Baronet opposite, and the right hon. Gentleman in the Chair then directed him to state the substance of the petition. But, not content with stating the substance, the hon. Member desired that the petition be read at the table, when the Speaker intimated to him that he might pursue that course. In accordance, therefore, with the suggestion from the Chair, the hon. Member moved that the petition be read; which question having been formally put from the chair, and no opposition being made, he wished to know whether it was competent for any hon. Member to interrupt the reading of the petition? It appeared to him that the clerk was bound to proceed, and the observations of hon. Members should be deferred until the petition had been read.

The *Speaker* said, it was not a common thing for an hon. Member to present a petition having immediate reference to himself. The usual course was, when any hon. Member had a complaint to make, to state the subject matter in his place in Parliament. In the present instance, the hon. Member for the county of Limerick, having adopted the mode of appealing to the House by petition, and having stated it to be a case of private grievance, he could see no reason for objecting to the reading of the petition.

The remainder of the petition was then read by the clerk as follows:—

"That your petitioner sincerely believes that the persons who have set on foot this subscription, desire and intend thereby, to frustrate and annul the choice of the electors of Ireland by the following means:

"First—Taking advantage of the expensive nature of the present process for the trial of controverted elections, they hope to overbear, by such subscriptions, the possibility of any resistance or defence upon the part of such sitting Members as may not be able to defray the expense of defending a seat in Parliament—an expense, which not unfrequently has amounted to several thousand pounds upon the trial of a single petition.

"Secondly,—Availing themselves of the present state of the law, they propose by the presentation of petitions against a considerable number of Members of your honourable House to disqualify from sitting upon committees for the trial of election petitions a large portion of those Members whose political opinions are in accordance with the sentiments of the electors of Ireland, and thus to obtain committees favourable to the objects for which this confederacy has been formed.

"That your petitioner humbly conceives that such a confederacy and subscription is in the highest degree unconstitutional, and that if it be converted into a precedent, a similar proceeding may hereafter be used as an instrument destructive to the rights and liberties of the British people.

"That in reference to the connection between Great Britain and Ireland it will be productive of the most injurious effects, as tending to create in Ireland an opinion that there exists among the English nation a strong antipathy to the Irish people, and a disposition to obstruct the free expression of their opinions through their Representatives in Parliament, and that thus the harmony which ought to subsist between two nations, united as well by mutual interest as by an international compact, will be endangered if not destroyed.

"That your petitioner has seen in the public newspapers a letter purporting to have been signed by Sir Francis Burdett, a Member of your honourable House, in which letter the said Sir Francis avows that he has contributed to this fund. And your petitioner humbly submits that it is the duty of your honourable House to inquire how far it is consistent with the impartial exercise of the functions which this hon. Member may be compelled (subject to the obligation and sanction of an oath) to undertake that he should thus voluntarily have made himself a party in a case in which the law constitutes him a judge.

"That, in exemplication of the results which may be expected to arise from the employment of the above-mentioned subscription, your petitioner has observed that a petition has been presented, impeaching the validity of the late election and return for the county of Limerick, which petition your petitioner conscientiously believes would not have been presented with a view to its being brought before a Committee of your honourable House, unless the parties from whom it emanates had expected to receive assistance and support from the above-mentioned confederacy.

"That it does not become your petitioner, in his own case, to make any statement which may induce Members of your honourable House to prejudge the merits of a petition which will be subjected to the investigation of a Committee of your honourable House, but your petitioner firmly believes that his return was the result of the free choice of the electors, of the county of Limerick, and that the grounds of the said petition are of a nature wholly frivolous and untenable.

"That your petitioner is not ashamed to confess that, even though assured of a favourable result, he does not regard with indifference the expense of defending his seat under the present mode of defending the trial of controverted elections; and he therefore humbly submits that if he should decline to defend his seat under a feeling of unwillingness to enter upon an equal contest with parties sustained by a subscription collected in England from individuals who are both wholly regardless of the interests of the constituency of the county of Limerick, but only anxious to promote the objects of the party to which they were attached, the free choice of the electors of the county would in such case be defeated and annulled by the machinations of the unconstitutional confederacy.

"That, as well therefore upon grounds of public policy, as with reference to his own individual case, your petitioner humbly prays that an inquiry may be made into all the proceedings connected with the said subscription, for the purpose of ascertaining whether such subscription be consistent with the laws of the land, the usages of Parliament, the privileges of your honourable House, and the rights of the electors of Great Britain and Ireland; and that your honourable House may take such other measures for securing to the people of Ireland protection against any injury or injustice that may arise from such confederacy and subscription as in its wisdom it shall see fit.

"And your petitioner will ever pray

"WILLIAM SMITH O'BRIEN."

Upon the question being put, that the petition do lie on the table,

Mr. *Hume* said, as the subject was to come under the consideration of the House at an early day, he should submit to the House whether it would not be proper to have the petition printed?

The *Speaker* thought, if the hon. Member who had presented the petition desired to have it printed that it was incumbent upon him, and not upon the hon. Member for Kilkenny, to move that it be printed with the votes. It was also necessary that the hon. Member should fix some specific day on which it should be brought under the attention of the House.

Mr. *O'Brien* announced his intention to call the notice of the House to the question, whether an hon. Member—the hon. Member for Wiltshire, for instance—could subscribe to a fund to enable parties to question a return, in which he had no interest, and of which he knew nothing? He should move that the petition be printed in the votes of the House. He begged to give notice that he should bring the subject under its attention to-morrow.

On the motion that the petition be printed,

Mr. *Williams Wynn* said, that the petitioner stated so much relative to the election, the trial of which was pending, that the House would do well to pause before it assented to the motion. The statement in the petition went the length of attacking the late Limerick election upon the merits, and he, therefore, thought the hon. Member should have given notice of his motion.

Sir *Robert Inglis* said, that on a former night a petition presented by an hon Member on his side of the House from Berwick on Tweed had been withdrawn, on the ground that it interfered with an election petition, and he thought equal justice would not be dealt to both sides of the House if they allowed a petition to come before them complaining of circumstances which must come before them hereafter judicially. They had acted on this principle in the cases of Bridgewater and Berwick, and ought to do so in the present case.

Mr. *S. O'Brien* presented himself to the House as an aggrieved party in reference to the Spottiswoode conspiracy that had been entered into against those who, like himself, represented large constituencies, but were unable to defend the expenses of petitions. He therefore intended, on the circumstances he had stated, to found a motion for to-morrow, in reference to the conduct of the hon. Baronet, the Member for North Wilts. And he begged to move, as a necessary preliminary, that his petition be printed with the votes.

Lord *John Russell* did not think the petition stated anything with regard to the last election; it merely alleged, that as between those complaining of the return and the sitting Member there could not be a fair trial, in consequence of circumstances having special reference to a Member of that House. He did not, therefore, see how the rule which had been applied in the cases of Bridgewater and Berwick-upon-Tweed must necessarily hold here. At the same time, he could not see why the hon. Member should give notice of bringing the matter before the House to-morrow, when another hon. Member intended discussing the same subject to-night. The petition stated nothing which was not known throughout the whole country; and if the discussion anticipated came on to-night, why should the House be again called on to enter into the matter afresh to-morrow?

Sir *Robert Peel* hoped the House would pause, before they established a precedent by sanctioning the printing of the petition on another ground. This was not the application of an individual merely complaining of a private injury or grievance; but the petition contained an argument on grounds of public policy. These were the words of the concluding paragraph:—"That as well therefore upon grounds of public policy, as with reference to his own individual case, your petitioner humbly prays," &c. The petitioner referred to a number of cases, and argued that a subscription raised for the purposes alluded to was impolitic; but before the House assented to the printing of it, let them see the advantage they would give to one Member over another. An hon. Member might embody an argument or a speech, which might be a very good one, in a petition, and procure its authentic publication with the votes, while ordinary Members of the House must trust to the reporters for the publication of theirs. He hoped the House would pause before they established a precedent of that kind in favour of a petition, not complaining of any individual act of grievance merely, but discussing the whole question on the grounds of public policy. The hon. Gentleman, at all events, was bound to give notice on the subject.

Mr. *O'Connell* said, the question was one of privilege, and did not require any previous notice. The objection of the right hon. Baronet was rather comical. He said the petition should not be printed because it contained an argument; why if the petition contained no reasoning, that would have been an excellent reason for not having it presented at all. Seriously, the question involved the interest of many individuals in that House. It might be desirable to know how many in that House had contributed to this fund. As far as he understood the hon. Baronet, the Member for North Wiltshire, he had put his name publicly in the newspapers; he gave all parties fair notice; certainly, there was candour in his conduct; and they all knew, therefore, if the hon. Baronet should be called on to serve on any election Committee, that he was one of the parties to the petition, and he would be challenged of course; for what could be more monstrous than that a man should be both a party and a judge? Was it to be endured in this country, that there should be a tribunal where men could contribute to the expenses of a suit, and yet adjudicate on the merits as a judge? He had heard much of this and that being un-English, surely this was exceedingly un-English. He therefore hoped hon. Gentlemen opposite who had contributed to this fund, or suspected others, would come forward and avow themselves, that the House might know who were partisans and who were not. There would then be some chance of fair play; there would be "edification in their vice." All the hon. Member now wanted was, having given notice of his motion for to-morrow, that the petition should be printed with the votes, in order that the House might fairly be apprised of the contents of the petition. He could see no objection to such a course.

Lord *Stanley* said, he hoped neither the House nor the hon. Baronet would now be led into any premature discussion on a general question which was to undergo, or at least which he hoped was to undergo, full discussion to-night, as to whether an individual or set of individuals, singly or collectively, had or had not a right to subscribe to the legal expenses of an election petition. The question now before the House was one of much narrower compass; and he rose principally with the view of pointing out to the noble Lord, the Secretary of State for the Home Department, that there existed between this case and the Bridgewater and Berwick-upon-Tweed petitions a much closer connexion and analogy than he seemed disposed to allow. The petition, which had been presented from Berwick, had been withdrawn by consent of the House. It did not complain of anything which had occurred at the election; but it stated that an agent or some person on behalf of the rejected candidates had written a letter to the petitioner, who had voted for the sitting Members, requesting him to give evidence of bribery before the Committee; and that upon his answering that he could not conscientiously give such evidence, that agent had offered him a large sum of money to appear before the Committee — an offer which clearly amounted to subornation of perjury. That petition had nothing whatever to do with the merits of the election: it did not enter into it even so much as the present petition did; but as it appeared to prejudge some person who had been instrumental in bringing forward the petition against the return of the sitting Members for Berwick, it had been thought advisable that his hon. Friend who had presented that petition should withdraw it. The petition was in consequence withdrawn; and he left it to the House to say, whether the petition of the hon. Member for Limerick did not go much more into the merits of his return than the petition to which he had just alluded.

The *Attorney-General* said, the question for the House to decide was, whether this petition ought to be printed or not. It complained of a breach of privilege. The hon. Member for Limerick stated in his petition that he had been aggrieved by the conduct pursued by another hon. Member: why, then, should not his petition be printed according to the common course of the proceedings of the House? If that petition sought, like the Bridgewater petition, to prejudice the merits of the question to be tried before the election Committee, he should tender his advice, as he had tendered it before, that it should be withdrawn. He had been clearly of opinion that the Bridgewater petition ought to be withdrawn, because if it had been inquired into it must have compelled them to go into the merits of the late election. But that reason could not be alleged to exist in this case, for the hon. Member for Limerick merely said, "I believe I was duly elected, and I wish to have a fair trial. I think that the chance of my having a fair trial is prejudiced by the fund to which the hon. Baronet, the Member for North Wiltshire, has subscribed." The questions, then, which the House had to inquire into had no reference to the election; they were confined to these points—first, whether a subscription had been given by the hon. Baronet to that fund or not; secondly, whether, if it had been given, it was legal or illegal; and lastly, whether the printing of this petition would or would not prejudice the petition against the seat which the hon. Member for Limerick then held. Leaving the two former points undecided, he was prepared to contend that the printing of this petition could not prejudice the election petition which had been presented against the hon. Member for Limerick. No man could feel more strongly than himself the great importance of not doing any thing calculated to prejudice the cool march of justice in this country. Now, they would prejudice that march if they did not allow this petition to be printed.

Mr. *Hinde* said, that the speech of the Attorney-General was intended to show that there was a difference between the Bridgewater petition and that which was then under the consideration of the House, but what had fallen from him had tended to prove that it was very inconvenient when an hon. Member ventured to enter upon a discussion of which he had not heard the commencement. If the hon. and learned Attorney-General had been in the House the —[*Attorney-General*, I was.] —Well then, if he had been attentive to what had taken place in the House, he would have known that an analogy had not been drawn between this petition and the Bridgewater petition, but betwen this petition and the Berwick petition, to which he had adverted last night. In the present case complaint was made that subsequently to the election an attempt had been made to prejudice the tribunal, before which the trial of the election petition must take place, by what was called the unconstitutional conduct of the hon. Baronet, the Member for North Wiltshire. In the other case the assertion was, that the trial was to be prejudiced by an attempt at subornation of perjury. The petition from Berwick was entirely confined to what occurred subsequently to the election, and to the means taken to prejudice the trial before a fair tribunal. Admitting the present case to be a breach of privilege, the other case could not be considered to be less so. Last night he had offered either to name a day for the consideration of the petition which he had then presented, or to withdraw it altogether. His right hon. Friend, the Member for the University of Oxford, had suggested to him that it would be better to withdraw that petition for the present, and in that suggestion the noble Secretary for the Home Department had concurred. In obedience to their suggestions, and to the general feeling of the House, he had withdrawn it. But the House would give rise to an opinion very unfavourable to its character for impartiality, if it called upon him one night to withdraw his petition, and yet, when a similar request was made on the next to another Gentleman, it declared that that Gentleman's petition must not be withdrawn, but must be presented and printed.

Mr. *Pryme* observed, that the reason alleged for the withdrawal of the petition last night was, that it related to a matter which could be inquired into before the Election Committee. Of course it could, for it was the duty of every tribunal to inquire whether any witness examined before it had been tampered with or not. But that was not the case here. How could the grievance of which the hon Member for Limerick complained be inquired into before the Election Committee? It clearly could not be inquired into, if the hon. Baronet, the Member for Wiltshire, was not a member of that Committee. Could it be inquired into, even if he was a member of it? He thought not. He conceived that he had clearly established that there was a broad distinction between the circumstances which had been respectively urged for the withdrawal of these two petitions.

Mr. *Hinde*: I distinctly stated last night, that the allegations of the petition which I then presented could not be inquired into by any Election Committee, as the party complained of was not an agent of the petitioning candidate.

Sir *F. Burdett* :—Sir, it is personally indifferent to me what becomes of this petition; but I must say, that if the hon. Member who presented it had been more accustomed to the usual courtesies of the House, he would have given me notice of his intention to present it. He did not think proper to do so. That is not, however, a matter of the slightest importance to me, further than this—that I might not have been in the House at the time of his presenting it, and the hon. Member might have averred things to which I might have wished to reply, without having the opportunity to do so. After what has just fallen from my noble Friend, I will not enter into that question now. The whole of this proceeding is so extraordinary to me, is so contradictory to all previous Parliamentary experience that it is difficult to comprehend the meaning of it. The hon. and learned Member for Dublin has pursued a similar course to the hon. Member for the county of Limerick—for he calls an act of mine by a name which attributes criminality to it, and yet he does not venture upon a single argument to show how injustice is done by honest men, who wish to see justice done, aye justice done to Ireland, and more particularly justice done upon the hon. and learned Member himself. It is not to be borne that any man should suppose that by big words, an assuming tone, and a confident brow, this House can be driven from its usual mode of proceeding into measures which are contrary to its usual practice, and I may say, to its ordinary privileges and to the common sense of every thinking man in the country. The hon. and learned Member charges us with a conspiracy. A conspiracy!—and for what? Conspiracy is not an offence, except it be a combination for an illegal object. Conspiracy is only combining together for a certain purpose; and if combination alone constitutes conspiracy, then is the hon. and learned Member for Dublin the greatest conspirator whom I know in the world. His cry has been for years, "Agitate, agitate agitate—combine, combine, combine;" and as to funds, why, "Rent, rent, rent." Yes, that has been the great thing with him. Why, Sir, the hon. Member shows a total want of acquaintance with all the proceedings of Parliament, and a strange ignorance of that profession of which he is a member, when he fancies and supposes that a petition must be crammed with arguments and reasons instead of being a plain statement of facts; and when he says, on our rejecting a petition because it is crammed with the one and contains nothing of the other, that if there be no argument in the petition, there can be no reason for presenting it. This logic will not impose on you, Sir, nor will it pass current with the House of Commons for petitions register facts and allegations which are to be duly inquired into at a proper time. If a vote is to be taken upon this question, I shall withdraw, I have no interest whatever in the petition. I am obliged to the hon. and learned Member for having made this attack on me, for I have put myself in front of this question, and am prepared to stand the brunt of all this trial, be it a legal trial or otherwise. I believe that I have acted upon just, upon honest, and upon constitutional grounds. The hon. Member who presented this petition is evidently interested in the fate of the election petition against his return. I ask whether members in his situation,— and there are many of them on the benches opposite— are entitled to call upon us to make fresh election laws, and to devise new modes of trial for the honorable object of creating unconstitutional procrastination and mischievous delay? They sit here, let me tell them, in a very equivocal condition. We call them, it is true, Members of Parliament, and yet they are in a critical position, for their seats are questioned. It is, in my opinion, the first duty of the House to try whether those Members are or are not entitled to their seats, and I much doubt whether we ought to have any holyday until we have decided by our vote who ought to keep their seats, and who are the real Representatives of the people. I doubt also whether it would not be a proper thing to lay it down as a fixed principle that all persons petitioned against should be excluded from voting on any question in that House until the petition against them was decided. I have now done. Nothing has occurred this day which is not to me most acceptable. I do not mean to oppose the printing of this petition, but I shall beg leave to walk out of the House if the House should determine to divide upon it.

Mr. *O'Connell* rose to explain [*Spoke spoke.*] He had a right to explain, and if he were interrupted he would move the adjournment of the House. He congratulated himself on the impartiality of the Speaker. He had attacked nobody—he had even gone out of his way to give credit to the hon. Baronet, the Member for North Wiltshire for his candour. [Great tumult in the house.]

The *Speaker* called on Mr. O'Connell to explain.

Mr. *O'Connell* : I did not use a single harsh word. I did not describe what I think a crime by its proper denomination. The hon. Baronet has therefore misstated me. He also misstated me in saying that I used no argument to show how a person could be partial in a case like this. I did so. [Renewed tumult—Mr. O'Connell sat down, the Speaker rose.]

Mr. *Hume* rose amidst loud cries of "Chair" Why chair ?

Sir *R. Inglis* : I called chair, Sir, because you rose, and when you rise, Sir, it is due to your station that you should be heard.

Mr. *Hume* : I have not yet spoken. I am not out of order. Why then does the right hon. Baronet call out "Chair?" ["Order," "Chair."]

Sir *E. Knatchbull*—I never till now, saw an occasion, since I have been in Parliament in which the Chair rose to offer its opinion on a point of order and was not duly attended to.

The *Speaker:* It is true that I rose, and I did so for the purpose of stating that when the hon. and learned Member for Dublin was about re-stating his arguments, he was doing that which was inconsistent with an explanation. The hon. Member for Kilkenny, I suppose, rose for the purpose of showing that the hon. and learned Member was in order; for otherwise he had no right to rise.

Mr. *Hume* had not risen with the view attributed to him by the Speaker, but because his hon. and learned Friend, the Member for Dublin, had desisted from his argument, in compliance with the call made upon him from the Chair. He could not refrain from expressing his surprise at the attempt which the hon. Baronet, the Member for North Wiltshire, had made to turn the attention of the House from the subject before it, by talking of the rent and other irrelevant but irritating matters. The hon. Baronet had talked of justice; was it justice to introduce topics which were not before the House, to raise a prejudice against the question which was regularly under discussion ? The hon. Baronet had said, that as an honest man he was anxious to see justice done with respect to those election petitions. Now, was it justice to allow an individual to be a judge in his own cause at the very moment he was expending large sums of money for the purpose of carrying his cause? The petition of the hon. Member for the county of Limerick complained that several individuals of rank, and especially the hon. Baronet, the Member for North Wiltshire, whom it mentioned by name, had subscribed money for the purpose of interfering with the privileges of that House. Notice had been given by the hon. Member for Limerick that he would to-morrow move for a Committee of Inquiry, to ascertain how many other Members of that House were in the same situation with the hon. Baronet, the Member for North Wiltshire, and were therefore disqualified from sitting on Committees to decide controverted elections. He contended, that the hon. Baronet, the Member for North Wiltshire, was, upon his own admission, clearly incapable of sitting upon any election Committee. If there were fifty other Members who had joined him in his subscription, parties would go to their election Committees, not knowing whom they ought to strike off, as parties who had prejudged the case. It was for the purpose of ascertaining who had mixed themselves up with that subscription as the hon. Baronet had done, and for the purpose of giving the House an opportunity to purify itself by striking those Members off all Election Committees, that he wished hon. Members to have this petition in a printed state before them. The allegation having been made that the House did require such purification, and that there were so many Members who ought not to be allowed to sit on Election Committees, and a notice having been given of a motion for a Committee to inquire into the truth of that allegation, would the House refuse to possess itself of that document, and to put it into the hands of Members in time to enable them to judge by to-morrow whether the Committee ought to be granted or not? There was ample necessity that the House should do justice to itself by purifying these tribunals. When the House knew the extent of the evil, it should then proceed to determine what ought to be done with the men who had prejudged every election question, and yet were ready to sit upon Committees appointed to decide upon controverted elections. If the hon. Baronet should tell him that it was consistent with the character of honest men to seek justice in this extraordinary manner, he would tell the hon. Baronet in reply, that it was not consistent with the institutions of England that any man should be a judge in his own cause. He would put it to the Speaker whether he had not decided again and again, that when a petition alleging a grievance and calling for inquiry was presented, and when notice was given that a motion would be made on the subject matter of that petition, that petition must be printed before the subject came under discussion. Now they were twenty-eight hours before the discussion of that motion—and he asked the Speaker whether it were not consistent with the practice and the convenience of the House to have the petition printed and distributed with the votes to-morrow? He would not on the present occasion enter into any investigation of the charge which the hon. Baronet had brought against his hon. and learned Friend of being an agitator or conspirator. When the proper opportunity for discussing that question arose, he would be prepared to show that there were other agitators more violent and more unconstitutional than his hon. and learned Friend. He concluded by saying that this petition ought to be printed before the House proceeded to the discussion upon it to-morrow.

Mr. *Aglionby* could not give his vote upon the present question without making a few observations in support of it. It would not raise the character of the House with the country, when it was known that a mere question as to the practice of the House had engendered so much personal heat and party violence. His reason for voting for the printing of this petition was, that he could see no analogy between it and the Berwick and Bridgewater petitions. It was a fit petition to be received, and therefore the only question for the House was, whether it was not a fit petition to be printed. What would the House say if a juryman were proved to have given, nay, were even accused of having given, an undertaking to pay part of the costs of the prosecution which he was empanelled to try? If any Member of that House were accused of having done something like this by subscribing to the funds necessary to defray the costs of prosecuting an election petition, ought not the House to put a mark on such a man, and reject him from their body? It was important not only that Members of that House should be impartial judges, but also that they should be deemed above suspicion. If the House rejected this petition, it would be said that it had done so because it was anxious to stifle inquiry, because it was afraid to let the public know how it carried the inquiry on. He hoped that if it valued its own character, the House would let this petition be printed, as it did not prejudice the merits of the election.

Sir *Edward Sugden* begged to call the attention of the House to this paragraph in the petition of the hon. Member for Limerick:—"That it does not become your petitioner in his own case to make any statement which may induce Members of your hon. House to prejudge the merits of a petition which will be subjected to the investigation of a Committee of your hon. House, but your petitioner firmly believes that his return was the result of the free choice of the electors of the county of Limerick, and that the grounds of the said petition are of a nature wholly frivolous and untenable." He put it to the noble Secretary for the Home Department, whether such a statement did not make this an election petition.

Lord *J. Russell* rose to address the House in consequence of the pointed appeal which had just been made to him, and because he thought it important that the House should settle the mode of proceeding as to this question. The hon. and learned Gentleman who spoke last had asked him this question—"Do you not think that the words of the paragraph which I have just read affect the merits of the election petition for the county of

Limerick?" To that question he replied, that he did not think that words of such general meaning did affect the merits of that election petition. The petitioners against the seat maintain, of course, that the sitting Member is not duly elected. If he is determined to maintain his return and to defend his seat, he, of course, contends that he is duly elected, and that the petition against him is frivolous and untenable. A mere assertion like that was very different from alleged facts, such as bribery or intimidation, or coercion of voters, or any other circumstance which affects a seat. Therefore it was, that he thought that an allegation of this sort did not bring this petition within the rules laid down in the cases of the Berwick and the Bridgewater petitions. The hon. Member for Newcastle seemed to understand him to have said that the House ought to proceed with this matter to-night, and that it had no occasion to have the petition printed. Now, what he wanted was this—that the House should understand thoroughly what it was prepared to do. If they wished the discussion on the general question to come on that night, then the petition ought to be considered in the general discussion. If, on the other hand, the hon. Member for Limerick wished to bring on his motion tomorrow, he being interested in the matter, had a perfect right to do so, and as the hon. Member came forward as an aggrieved party, the House ought to give him a fair opportunity for entering into the merits of the case, and for asking for a Committee of inquiry. In order to state the merits of his case, it might be more or less material that his petition be printed. The printing of a petition, before a substantive motion was made upon it, was the ordinary course of the House, and to depart from it on this occasion would seem as if the House did not intend to give the hon. Member a fair hearing. If, then this matter should come to a vote, he should certainly vote for the printing of the petition. But he could not do this without saying a word as to the course to be pursued. He had a motion on the books with respect to the days on which the different Election Committees were to be fixed after the recess. Now, there was nothing in this petition which at all altered the grounds on which he proposed to fix the days after the recess for each election petition. Therefore if he now voted for the printing of this petition for the sake of going into the whole question of the subscription, so far as it had reference to the seats in Ireland, he wished it to be understood that he felt himself at liberty after the division to move to fix days after the recess for the taking into consideration the different petitions on controverted elections. He was excessively sorry that the hon. Baronet, the Member for North Wiltshire, had mixed up this preliminary discussion with matters of extreme passion and excitement. That was a course not likely to procure justice. When a specific motion was made, he should be prepared to state his opinion, whatever it might be, on the conduct of the hon. Baronet, and on the course which he had pursued that night.

Mr. *O'Brien* said, that his course would depend very much upon the result of the discussion of that evening. One fact, to which he wished to bring the attention of the House, and which had not been alluded to by the noble Lord who had just sat down, was, that an hon. Member of that House had avowedly become a subscriber to that fund. But he had risen on the present occasion for one object alone, and that was to offer his sincere apology to the hon. Baronet, the Member for North Wiltshire, for not having given him private notice of his intention to present his petition. He had given public notice of it some days ago. He had thought that that notice would be sufficient to raise the whole question, as he understood from the public papers that the hon. Baronet was absolutely burning for the first opportunity to avow himself a member of "The Spottiswoode Gang."

Mr. *Morgan O'Connell* said, that on this occasion he should certainly vote with the hon. Member for the county of Limerick. The hon. Baronet, the Member for Wiltshire, had made a violent attack on the hon. and learned Member for Dublin, and had said, that for twenty years of his life the battle cry of that hon. Member had been "Agitate, agitate." Now, he should like to know what the hon. Baronet himself had been doing for a life which extended over a much longer period? Was it not the hon. Baronet who had agitated this vast metropolis to its very centre; and who had endangered the peace of the city and the lives of thousands of its inhabitants? Surely, then, the hon. Baronet should be the last man in the country to attack any person for pursuing a course of agitation which he had himself pursued so violently and so long. It was true, that the hon. Baronet had now repented him of his former errors; and so he now went on to eulogise those whom he had vilified for so many years, and whom he held up to the execration of the people of England whenever they ventured to appear among the people. It was no wonder that the hon. Baronet should attack those who had spent their youth like him in the advocacy of liberal principles, but who had not, like him, in old age turned their backs on the friends of their youth, and gone over to the camp of the Tories. He thought that the hon. Baronet had exhibited bad taste in the violence with which he had attacked the hon. Member for Dublin both in that House and elsewhere. But let that pass. He should like to know why it was, that the hon. Baronet always attacked the hon. and learned Member for Dublin, but never ventured upon similar attacks upon any other Representative for Ireland. There were other Members for that country who stood on the same principles with the hon. and learned Member for Dublin, but the hon. Baronet was ever silent in reference to their political conduct.

Major *Handley* said, that the hon. Baronet, the Member for North Wiltshire, had expressed his intention to retire from the House, and not to vote upon this question. He wished to know whether this conduct was to be taken as an emblem of the impartiality which the hon. Baronet had determined to pursue on all election petitions from Ireland, and whether the hon. Baronet did not feel it binding on his honour not to vote at all upon those matters.

[After Major Handley had done speaking, Sir F. Burdett retired from the House amidst great cheers; but it was stated that he could not have voted, having paired off, till after the Christmas holidays.]

The House divided:—Ayes 234; Noes 203; Majority 31.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Alston, Rowland
Archbold, Robert
Bainbridge, E. T.
Baines, Edward
Ball, N.
Baring, F. T.
Barnard, Edward G.
Barron, H.
Beamish, F. B.
Belfast, Earl of
Bellew, Rich. M.
Bentinck, Lord W.
Bernal, R.
Bethell, Richard
Bewes, T.
Blackett, C.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bowes, John
Bridgman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, Charles
Buller, E.
Bulwer, Edward L.
Busfield, William
Butler, hon. P.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, M. L.
Chichester, J. P. B.
Clay, William
Clements, Viscount
Clive, Edward Bolton
Codrington, Sir E.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Curry, William
Dalmeny, Lord
Dashwood, G. H.
Davies, T. H.
Denison, W. J.
Dennistoun, J.
Divett, E.
Duckworth, S.
Duff, James
Duke, Sir James
Duncan, Viscount
Duncombe, T.
Duncombe, hon. W.
Dundas, C. W. D.
Dundas, Fred.
Dundas, Capt. D.
Dunlop, J.
Easthope, John
Ebrington, Viscount
Elliot, hon. John C.
Ellice, Capt. A.
Ellice, rt. hon. E.
Ellice, E.
Evans, De Lacy
Evans, G.
Euston, Earl of
Fazakerley, J.
Fielden, J.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, Robert
Fergusson, R. C.
Finch, F.
Fitzalan, Lord
Fitzgibbon, hon. R.
Fitzroy, Lord C.
Fitzsimon, Nicholas
Fort, John
French, F.
Gillon, Wm. Downe
Gordon, Robert
Goring, H. D.
Grattan, J.
Grattan, Henry
Greenaway, C.
Grey, Sir G.
Grote, G.
Guest, J.
Hall, B.
Hallyburton, hon. D.
Handley, Henry
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. Leith
Hayter, W. G.
Heathcoat, John
Heneage, E
Hobhouse, Sir J. C.
Hobhouse, T. B.
Horsman, E.
Hoskins, Kedgwin
Howard, P. H.
Howick, Viscount
Hurst, R. H.
Hutton, R.
Jephson, C. D. O.
Jervis, S.
Kinnaird, hon. A. F.
Labouchere, H.
Lambton, Hedworth
Langdale, hon. C.
Lascelles, hon. W. S.
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord George
Lennox, Lord Arthur
Loch, J.
Lushington, Charles
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Maher, John
Mahony, P.
Marshall, William
Marsland, Henry
Maule, W. H.
Melgund, Viscount
Mildmay, P. St. John
Morpeth, Viscount
Morris, David
Murray, rt. hon. J.
Muskett, G. A.
Nagle, Sir R.
O'Brien, Cornelius
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan

O'Ferrall, R. M.
Paget, Lord A.
Paget, Fred.
Palmer, C. F.
Parker, J.
Parnell, Sir H.
Parrott, J.
Pechell, Captain R.
Philipps, Sir R.
Philips, Mark
Philips, G. R.
Phillpotts, John
Pinney, William
Ponsonby, C. F. A.
Ponsonby, hon. J.
Potter, R.
Poulter, John Sayer
Power, James
Power, John
Price, Sir R.
Protheroe, E.
Pryme, George
Ramsbottom, John
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, Henry
Roche, E. B.
Roche, William
Roche, David
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, John
Russell, Lord J.
Russell, Lord Charles
Salwey, Colonel
Sanford, E. A.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, Richard L.
Slaney, R. A.
Smith, Robert V.
Somers, J. P.
Standish, Charles
Stanley, E. J.
Stansfield, W. R. C.
Steuart, R.
Stewart, James
Stuart, V.
Strickland, Sir George
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, J. Hyacinth
Tancred, H. W.
Thomson, C. P.
Thornley, T.
Tracy, H. H.
Tufnell, Henry
Turner, William
Verney, Sir H. bt.
Vigors, N. A.
Villiers, Charles P.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Whalley, Sir S.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Woulfe, Sergeant
Wyse, Thomas
Yates, J. A.

TELLERS.
Hume, J.
O'Brien, W. S.

List of the Noes.

Acland, Sir T.
Acland Thomas D.
A'Court, Captain
Adare, Viscount
Alsager, Captain
Arbuthnott, hon. H.
Ashley, Viscount
Attwood, W.
Bagge, W.
Bailey, J.
Baillie, H. D.
Baker, Edward
Barneby, John
Barnes, Sir E.
Barrington, Viscount
Bateman, John
Bateson, Sir R.
Bell, M.
Blair, James
Blakemore, R.
Blennerhassett, A.
Boldero, Henry G.
Bolling, William
Borthwick, Peter
Bramston, T. W.
Broadley, Henry
Broadwood, Henry
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Burr, D. H. D.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir H.
Canning, Sir S.
Castlereagh, Viscount
Chandos, Marq. of
Chaplin, Colonel
Chapman, A.
Chute, W. L. W.
Clive, hon. R. H.
Copeland, W. T.
Corry, H.
Courtenay, P.
Creswell, C.
Crewe, Sir G.
Dalrymple, Sir A.
Darby, George
Darlington, Earl
De Horsey, S. H.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, William
Duffield, T.
Dugdale, W. S.
Duncombe, hon. A.
East, J. B.
Eaton, R. J.
Egerton, Wm. Tatton
Ellis, John
Estcourt, T. G. B.
Estcourt, T. H. S.
Farnham, E. B.
Farrand, R.
Feilden, W.
Fellowes, E.
Fitzroy, hon. H.
Follett, Sir W.
Forbes, William
Forester, hon. G.
Freshfield, J.
Gaskell, Jas. Milnes
Gibson, Thomas
Gladstone, Wm. E.
Gordon, hon. Capt.
Gore, J. R. Ormsby
Goulburn, H.
Granby, Marquis
Grant, hon. Colonel
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Halse, James
Harcourt, G. S.
Hardinge, Sir H.
Heathcote, Sir W.
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, James Weir
Holmes, hon. W. A.
Hope, G. W.
Hope, hon. James
Hope, Henry T.
Hotham, Lord
Houldsworth, T.
Howard, W.
Hughes, W. B.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, Samuel
Irving, John
Jackson, Sergeant
Jermyn, Earl of
Johnstone, Hope
Jolliffe, Sir W.
Jones, John
Jones, Theobald
Kemble, Henry
Kerrison, Sir Edw.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Law, hon. C.
Lefroy, Thomas
Lewis, Wyndham
Liddell, H. T.
Litton, Edward
Lockhart, A. M.
Logan, Hart
Lowther, Colonel
Lucas, Edward
Lygon, General
Mackenzie, T.
Mackenzie, W. F.
Maclean, Donald
Mahon, Viscount
Marton, George
Master, T. W. C.
Maunsell, T. P.
Meynell, Capt.
Wiles, P. W. S.
Milnes, R. M.
Monypenny, T. G.
Neeld, John
Nicholl, John
Norreys, Lord
Packe, C. W.
Pakington, J. S.
Palmer, Robert
Palmer, George
Parker, R. T.
Parker, T. A.
Patten, John Wilson
Paul, H. St.
Peel, rt. hon. Sir R.
Peel, Colonel J.
Pemberton, Thomas
Perceval, Colonel
Perceval, G. J.
Peyton, Henry
Planta, Joseph
Powell, Colonel
Powerscourt, Lord
Praed, Winthrop M.
Price, Richard
Pringle, A.
Rae, Sir Wm. bart.
Ramsay, Lord
Reid, Sir John Rae
Richards, Richard
Rickford, William
Rolleston, L.
Rose, Sir George
Round, C. G.
Round, John
Rushbrooke, Colonel
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.

Scarlett, hon. R.
Shaw, Frederick
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, Abel
Somerset, Lord G.
Spry, Sir S.
Stanley, Edward
Stanley, Lord
Stewart, John
Stuart, H.
Sturt, Henry Charles
Sugden, Sir E.
Thompson, Ald.
Tollemache, F. J.
Trench, Sir Fred.
Trevor, hon. G.
Vere, Sir C. B.
Verner, Colonel
Wilberforce, W.
Wilbraham, hon. B.
Williams, Robert
Wood, Col. T.
Wood, Thomas
Wynn, rt. hon. C. W.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T. W.
Baring H Bingham

CONTROVERTED ELECTIONS.] Lord *J. Russell* rose, in pursuance of the notice he had given, to name the days after Christmas when it would be convenient to consider the various election petitions before the House. He should detain the House for a very few moments on this subject, but he felt that he owed some explanation in respect to the answer which he had given to a noble Lord on a previous evening, who begged that an early day might be fixed for these petitions. He would now say at once that, as it was expected that the House would adjourn from the day immediately preceding the Christmas holydays until the 1st of February, he should propose that the first petition on the list should be taken into consideration on the Tuesday following, the 6th of February. On the occasion to which he had referred, he stated to the noble Lord that he had some hesitation as to what course he should pursue in respect to these petitions. He did not wish to provoke a debate on a subject which might be better considered to-morrow night; but he must say, that circumstances had occurred before, during, and after, the late elections, which had caused him to doubt whether or not it might not become necessary to adopt an extraordinary course in reference to these petitions. Threats had been held out in some instances that persons whose return was certain, would be opposed, and that, in case this opposition failed, the returns would be petitioned against. In other cases contests were provoked where there was no chance. of a new candidate succeeding. Immediately after the elections particular reference was made to those of Ireland, and it was openly declared that it was necessary to raise a subscription to set aside the returns from that country; and it was stated this was required, not on the grounds that the Members returned did not represent the people of Ireland, but specially, because they did not agree with the majority of the Representatives of England. These circumstances, combined with others of a similar kind, had induced him to doubt the just operation of that law upon the subject known under the name of the Grenville Act. He was ready to state now, however, that his suspicions as to these circumstances were removed, and he would also acknowledge that no circumstances but those of a very extraordinary nature should induce the House to adopt an unusual course in respect to petitions relating to the seats of Members, or to defer their consideration beyond the time which a due regard for the dignity of the House and the character and claims of the petitioners required. Now, with regard to the number of the election petitions already before the House, they did not seem to exceed in so great a number the amount of former occasions as to warrant the belief that any sinister or peculiar motives had called them forth. In 1831, there were fifty-seven election petitions; after the dissolution of 1832, there were forty-nine; in 1835, there were forty-two; and in the present year, up to the time he was speaking, there were sixty-seven petitions, which was only ten more than the number of petitions in 1831. As far, therefore, as any deductions from numbers could guide him, considering the great number of contests which had taken place in the late election, considering also the narrow majorities which sometimes occurred in the last Parliament, and the very natural desire which existed on the part of the minority to crop that majority, he did not think that the number of election petitions in the present year was such as to warrant any extraordinary measures in regard to them. With respect to the nature of the petitions themselves, he could only say that, up to the present period, he did not perceive that there was any great cluster of petitions of any one particular kind which would make it clear that there had been any combination in order to present them, when no reasonable grounds existed for their complaints, and that they had been presented merely for the purpose of influencing the results of divisions of that House, or for changing the tribunals or altering the names of those who should be called on to decide upon petitions of this kind. Under these circumstances, he should merely move, "That the petition on the election for the county of Roxburgh be taken into consideration on Tuesday, the 6th of February."

Sir *R. Peel* rejoiced at the course which the noble Lord had taken, and which entirely precluded the necessity for his making the motion of which he had given notice, in the event that the noble Lord's motion had not been made. He rejoiced, because he thought that the noble Lord had strictly adhered to the uniform course pursued in respect to election petitions, and had thus asserted the undoubted principle that it was the first duty of Parliament to determine who were the representatives of the people. By the course now adopted by the noble Lord, it was declared to the country that the House would proceed, immediately after the recess,to try the election petitions, before the known constitutional authority of Parliament, and therefore all parties concerned in them would hold themselves in readiness to give their attendance, and do all that might be required of them in respect of them at that time. The 6th of February was the day named for the first petition, and the rest on the list must shortly follow in their order, at which time the parties to them must be aware that they would be required to have their witnesses in attendance to submit their cases before the known tribunal appointed to decide upon them. He knew enough of the noble Lord to feel assured that he would not depart, on the present occasion, from the accustomed course of Parliament in these matters. The number of election petitions in 1831 was fifty-seven, and in the present year they were sixty-seven in number, and the noble Lord had justly stated that in the relative numerical proportion of these petitions there was no ground to impeach the *bonâ fide* origin and intention of the latter. With respect to the parties from whom these petitions emanated, he believed that of the sixty-seven hitherto presented, twenty-seven or twenty-eight came from parties on his side of the House, and thirty-six from parties interested in the opposite side of the question, which, with the fortunate intervention of three from neutral parties, completed the number. The noble Lord had stated that there was no appearance upon the face of the petitions themselves of their having been concerted by any combination of parties for sinister purposes. He had looked into the petitions emanating from parties on his side of the House, and as far as they were concerned, he could fully bear testimony to the truth of the noble Lord's observations; but if the noble Lord were to look into those proceeding from his own side, he thought the noble Lord might possibly find some grounds to shake his confidence in this matter. The number of petitions naturally bore some relation to the number of contests, and where these contests were nearly balanced, more petitions might be expected than when the elections were carried by more numerous majorities; and he believed that in the late election there had been more contests, and the returns obtained by smaller majorities, than usually was the case. He heartily rejoiced, therefore, that the contingency which had been impending over their heads, and which was the more awful because it had been kept in complete obscurity, had not fallen upon them. He certainly did regret that the noble Lord, as leader of the House of Commons, could ever have supposed that there would have been sufficient grounds to suspend the ordinary course of Parliament in respect of these petitions. Now, whether there were sixty-seven petitions or 150 petitions, provided they had not proceeded from improper motives, the House should not, he thought, be prevented from pursuing the proper and ordinary course in respect to them, and nothing should be said or done to deter parties from coming before that House with a sincere desire of seeking redress of supposed grievances. For his part, he had never seen the declaration which so much alarmed the noble Lord, that it was the intention of certain parties to question the elections of Ireland on the mere ground that the parties returned differed from the majority of the English Representatives. He could only add that this would have been a most preposterous and unjust ground of opposition, and he could hardly believe it had ever been seriously entertained by any rational man. With respect to the other ground for alarm stated by the noble Lord, he certainly had seen statements calculated to excite an alarm that some of these petitions were presented with a view to prevent certain Members from taking part in the decision upon election petitions. Of course the noble Lord referred to the correspondence which had recently taken place between two persons, calling themselves "An Elector," and a "Non-elector," in *The Morning Chronicle.* It was, doubtless, this correspondence which excited the noble Lord's apprehensions of the fatal result of "a cluster of petitions," to use the noble Lord's expression, and the declaration upon which the noble Lord had built his well-founded alarm, was viewed with the more apprehension, and accepted the more implicitly, because it proceeded from an organ which advocated the noble Lord's own politics. As to the other declaration, he had never seen it; and he heartily rejoiced in the hope that the apprehension of it was ill-founded. He regretted, however, that the noble Lord had suffered himself to be disturbed by vain apprehensions of this kind, and to be induced even to hold out a threat that he would suffer himself to depart from the ordinary course of Parliament in respect to its privileges, and to delay to bring on the consideration of its disputed seats beyond the usual period named for so doing. He hoped the result would operate as a caution to the noble Lord not to give faith to vague communications in newspapers; and that he would not again throw impediments or objections in the way of *bonâ fide* petitioners to the House of Commons. There was one subject in connexion with this topic to which he wished to advert before he sat down. He referred to the Bill brought in by the hon. Member for Liskeard relating to the trial of controverted elections, and which had now passed its second reading. He hoped that the course this evening pursued by the noble Lord in reference to these election petitions might be understood as a promise that they would not proceed hastily with that Bill. Why, if the present mode of trying election petitions was considered so far satisfactory that the election petitions now before the House were to be tried by it, he could see no occasion for bringing on that Bill. He believed that it was understood that no business of importance would be done after the present week until they re-assembled after the recess. So general, he thought, was this understanding, that the hon. Member for Bridport positively refused to defer his motion respecting the Danish claims to any day after Friday, so impressed was he with the notion that immediately after that day there would be a general flood of Members out of town. If this were the case the hon. Member for Likeard could not hope to obtain that attention to his Bill which the subject of it demanded, and, therefore, he hoped that the hon. Gentleman would consent to defer the future stages of it till after the recess. If, however, the hon. and learned Gentleman did not think proper to accede to this suggestion, he would give notice that he would on Friday next, without at all entering upon the merits of the Bill, but merely because the House would not after that day be in a state to do it justice, move that it be postponed till an early day after the recess, and divide the House on his motion.

Mr. *C. Buller* was exceedingly obliged to the right hon. Baronet for having apprised him of the course which he intended to pursue in reference to his Bill. It could not be expected of him to discuss the propriety of that course; but he must say, that he had heard no reason from the right hon. Baronet, except the threat of his opposition, which should prevent him from pursuing the course he had originally intended in reference to a matter to which much public interest was attached, and on which he might say public justice to some extent depended. He should be very sorry to prevent the right hon. Baronet and his Friends from going out of town, but at the same time he must say that he really did not so particularly want their attendance in this matter. As far, however, as the Bill might be benefited by their counsel, he hoped that their engagements were not so very pressing as to prevent their affording their assistance.

Sir *R. Peel* said, that the hon. and learned Gentleman had partly mistaken what he had said. The notion of leaving town had not originated with him or with any Gentleman on his side of the House, but with Gentlemen on the other side. He had stated, that so general was this impression amongst Gentlemen on the opposite side that the hon. Member for Bridport had declined to postpone his motion on the Danish claims beyond the present week. Under these circumstances he felt assured that Government would not lend itself to obtain an unfair advantage upon a question of so much importance.

Lord *John Russell* said, that however desirous Members might be to get out of town as soon as possible, he thought that, as a matter of public business, it would be of more importance to go on with this Bill before the recess. The object of this Bill was, to see whether they could not devise a better mode of trial for election petitions. He thought they could, and he gave notice that he should move the insertion of a clause, making it imperative on election Committees to appoint a commission to take evidence. If it should turn out that they could find a better mode of proceeding in election cases than the present mode, he could see no reason why it should not be applied as soon as possible. There could be no more reason to postpone this Bill, because there happened to be certain petitions actually awaiting their trial, than there was to postpone the Jury Bill of the right hon. Member, until all the causes then entered for trial before the courts had been disposed of.

Mr. *H. Grattan* rejoiced at what had fallen from the noble Lord, and he would ask those who recollected the proceedings at the Carlow and Longford election Committee, whether they would suffer any cause of friend or foe to go before such a tribunal? He called upon the hon. Baronet opposite, to recollect what took place at the Carlow Election Committee in his own presence, where a piece of paper was handed round to the members of the Committee, eight in number, who merely gave a stroke of their pen above or below the name, and the vote was rejected accordingly.

Sir *Robert Peel* recollected only once entering the room of the Carlow Election Committee, and then only for half an hour, during the whole of which time the Committee was occupied in listening to the speech of Mr. Thesiger.

Motion agreed to.

Privileges of the House.] Lord *John Russell* wished to know from the hon. Gentleman (Mr. Blewitt), whether he did not consider it better to reserve the discussion of his resolutions until to-morrow, when the hon. Member for Limerick (Mr. W. S. O'Brien) would bring under discussion a petition bearing on the same subject?

Mr. *Blewitt*: If I am to understand that I shall have precedence to-morrow evening, I shall agree to the noble Lord's proposition.

Sir *Robert Peel*: I think the hon. Gentleman should stipulate for his taking precedence of all other motions. He is perfectly entitled to do so.

Mr. *Blewitt* then proceeded:—Sir, in rising to move the resolutions of which I have given notice, I can assure the House I feel deeply impressed with the responsibility of the duty I am now called upon to discharge. It will naturally be asked of me, what qualifications have you, a young and inexperienced Member of the House, to put yourself forward thus prominently in the face of your country, and to assume a position which would have better become a more eloquent advocate, and a more practised debater? Sir, in answer to that inquiry, I must plead guilty to a charge of presumption—the presumption of one who undertakes an Herculean task, without the strength or the power by which only it is to be achieved. Humble, however, as my position in this house may be, I cannot stand tamely by, and see its dignity insulted, its authority despised, and its just rights and privileges set at defiance, Sir, my attention was first called to the grievance in question by the remittance to London, from the country town near which I reside, of a sum of money, for the avowed purpose of expelling from this House the hon. and learned Member for Dublin. Sir, it did appear to me that this was a most foul and atrocious aggression upon the freedom of election, and the liberty of the subject, and such as I could not have anticipated, even from the utmost virulence of political or party feeling. I had, indeed, heard that a Committee had been formed in London, for purposes which I could not but deem unlawful and unconstitutional; but until the subscription to which I have alluded came under my notice, I had no conception of the mischiefs that might result from the formation and objects of the Committee. I little dreamed that the combination of a few individuals, filling respectable stations in society, and who might be acting from honest impulses, but wrong conclusions, to achieve what, however illegal in itself, might by them be deemed justifiable, would lead to results tending to sap the foundations of justice, and to annihilate at one "fell swoop" the rights and liberties of a mighty nation. Sir, if the hon. and learned Member for Dublin is to be expelled from this House by the combined and collected resources of Conservative opulence, why not the noble Lord on the treasury bench, and all his right hon. coadjutors? Why not each and every one of the hon. Members on this side of the House? Even you, yourself, Sir, are not safe in that chair, to which the unanimously-approving voices of the House have elected you. No man, however large his own immediate resources, however powerful and unlimited his credit, however rich he be in the " golden opinions of his constituents—no man, I say, in this House, can stand singly and unsupported against that mighty deluge of wealth which is, as I understand, to be supplied and fed *ad infinitum* from the princely and almost inexhaustible resources of a certain hon. Baronet in this House, and of his new political associates out of the House. Sir, I beg to call the attention of the House to the form and language of my resolutions. They are framed upon the principle, that immutable principle of justice in a free country, that no man should be presumed to be guilty, nor condemned without a trial. My first four resolutions are declaratory of what I consider to be the law upon certain points. My last seeks an inquiry into what have been the circumstances of a particular transaction alleged to have taken place, but of which the House has no judicial knowledge, in order to ascertain whether those circumstances have been such as to bring any and what parties within the scope and operation of the law. By this course, Sir, nothing will be taken for granted, nothing prejudged; and I have adopted it, because it was most consistent with my notions of justice and of equity, and with that moderation of temper and feeling which best becomes a man who is actuated by public, and not by any party or personal motives. It is just possible, Sir, that I may not, on this occasion at least, gain credit with some hon. Gentlemen for that pure honesty of intention to which I lay claim; and as I cannot introduce them into the recesses of my heart, I must be content if I can only obtain from them a fair and dispassionate hearing. This, Sir, I might demand as a right, but I am quite willing to accept it as an act of the kindest and most considerate courtesy. Sir, to support the first of my resolutions, I shall have to prove that it is a breach of the privileges of this House to impeach, or wilfully and deliberately call in question, otherwise than by a petition, the right or title of any Member to a seat in the House. I request attention to the precedents and authorities which I am about to cite, and which I shall do as shortly and succinctly as the nature of the case will admit of. I well know the value of your time. Let the House hear me but with patience while I speak to the purpose, and I promise that its indulgence shall not be abused. I will not confine myself to a reference to the character applied to the House by Fortescue.

> "Si antiquitatem spectes, est vetustissima; si dignitatem est honoratissima; si jurisdictionem est capacissima."

In the time of Henry 6th, the following doctrine was laid down by the judges:—

> "It hath not been used before time, nor becomes it us to determine matters concerning the high court of Parliament, which is so high and mighty in its nature that it is judge of the law, and makes that to be law which is not law, and that to be no law which is."

Unless I am able to satisfy the House by precedents analogous to the present case, I shall waive all claims to a decision in his favour. Lord Coke, in his 1st Institute, said,

> "Whatever matter arises concerning either House of Parliament ought to be examined, discussed, and adjudged in that House to which it relates, and not elsewhere. In the celebrated county of Norfolk case, in 1586, the Lord Chancellor and Judges took upon themselves to decide which of two returns were valid; upon which it was resolved by the whole body of this House, 'That it was a most perilous precedent, that after two knights of a county were duly elected, any new writ should issue out for a second election without order of the House itself. That the discussing and adjudging of this and such-like differences only belonged to the House.' On the 28th of April, 1626, Mr. Crooke complained to the House, that Sir Thomas Horwood had reviled him, saying, that he came to be a Member of the House by bribery and corruption, and Sir Thomas Horwood was sent for to answer the charge. On the 7th of December, 1669, the House of Commons passed a resolution, 'That no petition, or any other matter depending in the House of Commons, can be taken notice of by the Lords, unless communicated to them by the House of Commons.' The celebrated declaration of rights, which was comprised by 1 William and Mary, 1688-9, contains the following passage:—'That the freedom of speech and debates, or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.' On the 11th of January, 1694, the House passed the following resolution;—'Resolved, that Mr. Alexander Norres, mayor of the borough of Liverpool, in the county of Lancaster, having taken upon him to judge, that Joseph

Maudit, esq., being coroner of the said borough was incapable to be elected burgess to serve in Parliament, though duly chosen, having made a false return, Thos. Brotherton, esq., to serve as a burgess for the said borough, hath herein violated the rights of the Commons of England, and broken the privileges of this House. Resolved, that the said Alexander Norres, for the said misdemeanour, be sent for in custody of the Serjeant-at-arms.' On the 26th February, 1701, the House agreed to a resolution of a Committee of Privileges to the following effect:—That it is the opinion of this Committee, that to assert, that the House of Commons is not the only Representatives of the Commons, tends to the subversion of the rights and privileges of the House of Commons, and the fundamental constitution of the Government of this kingdom.' On the 26th January, 1703, the House passed the following resolutions:—1. 'That according to the known law and usage of Parliament, it is the sole right of the Commons of England in Parliament assembled (except in cases otherwise provided for by Act of Parliament,) to examine and determine all matters relating to the right of election of their own Members.—2. 'That according to the known law and usage of Parliament, neither the qualification of any elector, nor the right of any person elected, is cognizable or determinable elsewhere than before the Commons of England in Parliament assembled (except in cases otherwise provided for by Act of Parliament.'")

The cases which I have cited, show the jealousy felt by that House as to any doubt being cast upon the right and title of any of its Members. That the House does not allow of any impeachment of its title as a collective body was proved by the resolution of 1701, declaring it to be mischievous to hold that they were not the Representatives of the people. Then came the resolution of 1703, by which the rights of electors were clearly defined and ascertained. I will add to these authorities, the statement of Judge Blackstone, who said, that the privileges of Parliament were established, not only for the purpose of protecting its Members from being molested by their fellow subjects, but also, more especially, from being oppressed by the Crown. If Blackstone had lived in these days, he would have transposed these clauses, and have said that the privileges of Parliament were established not only for the purpose of protecting its Members from being oppressed by the Crown, but also, more especially, from being molested by their fellow subjects. The House is now, however, threatened externally with a species of molestation at which every true lover of his country looks with horror and dismay. A self-constituted tribunal has risen up—an *imperium in imperio*—greater and yet less than the Parliament, acknowledging apparently its power, but intercepting and controlling and rendering nugatory its jurisdiction. Sir, the judges of the land the Lords Spiritual and Temporal, kings and queens, all the high and mighty of the kingdom, have been told successively, in the plainest and most indignant terms, that they shall not interfere in any matters affecting the House of Commons. I shall be glad to hear by what ingenuity of argument any hon. Member will attempt to convince the House that a self-elected committee of private individuals are entitled to do that which is forbidden to the Lords, the Judges, and the King's Majesty. Sir, the next point which I shall have to support before the House is, that according to the law, and also according to the established practice of the House, no person who has not a direct and immediate interest in an election which is the subject of controversy can petition, or directly or indirectly be a party to a petition, against the return of any Member. I shall argue this point, first from the general principles of law, and then from such direct and analogous precedents as I have been able to find in the Journals of the House. Sir, such naturally is the wicked propensity of mankind to meddle in the affairs of others, and to promote quarrels and disputes amongst their neighbours, on the Lucretian principle, I presume—

> "Suave mari magno turbantibus æquora ventis
> E terrâ magnum alterius spectare laborem"—

such, I say, Sir, is this propensity, that it was found necessary, at a very early period of civilised society, to make it an offence, and provide some remedy against it; and accordingly I find in the Roman law an express enactment forbidding the practice, denouncing the offenders as the pests of society, and subjecting them to the condemnation of fine, imprisonment, and perpetual infamy. The same principle was adopted in our common law under the head of maintenance, which is described by the best authorities as an officious intermeddling in a suit that no way belongs to one, by maintaining or assisting either party with money or otherwise to defend it; and this is expressly charged as an offence against public justice—as tending to keep alive strife and contention, and to pervert the remedial process of the law into an engine of oppression. These salutary regulations of the common law were adopted and confirmed at a very early period of our history by various statutes.

"The 1st Richard 1st enacted, 'That no person whatever shall take or sustain any quarrel by maintenance in the country, on grievous pain—the King's officers to be punished as therein provided; all others, on pain of imprisonment and ransom.' By the 1st Edward 3rd. (one of our most accomplished princes and law-givers) it was enacted, 'That no person shall take upon him to maintain quarrels nor parties in the country, to the disturbance of the common law.' This offence was again recognised by the 32d Henry 8th, and tke offender was made liable to a penalty of 10*l*."

I will here anticipate an objection with which I may be met on this point. It might be contended that this was not such an officious intermedling in the quarrel of another as was contemplated by the law—that this was a question in which all ought to unite "*ut bene gereretur Respublica*." I will answer that objection by this argument—that every elector has a right to exercise his privilege in a particular disstrict, and not elsewhere, and that an unqualified person can take no part in an election. He can not propose or second a candidate, he can not demand a poll, nor can he subsequently call for a scrutiny. All these rights and privileges are expressly confined to the electors, or those who have a right to be candidates. I admit that when a candidate is returned, he is a representative of the whole country; but it is the privilege of the House to decide upon his title, and none but electors or candidates are allowed to interfere. The first case bearing upon this subject is the Buckingham case, in 1689:—

"There it was said the objection was taken that the petitioners against the return had not entitled themselves, by their petition, to question the election, having not thereby so much as alleged that they were either electors or elected, or candidates for the said election. The committee did not come to any express resolution on that particular point, but upon the whole matter they decided that the election was good. In the Dumbarton district case, 1728, the House decided that the manner of obtaining and signing a petition was a material question previous to the trial, and referred that matter to the consideration of the Committee; and in the Wotton Basset case, 1742, and in several other cases which he could mention, the House made similar orders. I find it expressly laid down in several works on parliamentary practice, that previous to the Grenville Act, 10th Geo. 3rd, no petition against the return of a Member to that House was ever admitted, except from the electors or candidates. The Grenville Act would seem to have suspended the operation of this principle, as it did not restrict the petition to any particular class of persons, but it was soon found so inconvenient, and productive of so much vexation, that it was deemed necessary to bring back the law to its ancient footing; and, accordingly, by the 28th of Geo. 3rd, after reciting, that provision ought to be made for discouraging persons from presenting frivolous and vexatious petitions, 'It is enacted, that no petition against the return of a Member shall be proceeded upon unless subscribed—first, by some person claiming a right to vote; second, by some person claiming a right to be returned as duly elected; or, third, by some person alleging himself to have been a candidate.' In the Honiton case, 15th of February, 1786, it was made a preliminary objection before an election committee, to the trial of a petition against a return, that the petitioners had applied to different persons for money to support their petition. The committee went into the objection, but it was not proved. On the 14th of November the House agreed to a resolution. 'That it is highly unwarrantable, and a breach of the privileges of the House, for any person to set the name of any other to any petition to be presented to the House.' Then came that most important chancery case of Wallis *v.* Duke of Portland, decided by Lord Loughborough, and confirmed on appeal to the House of Lords, in which it was laid down by his Lordship, 'That the procuring and maintenance of a petition by one not immediately interested in an election, was against public policy, and amounted to maintenance at common law,' and in which, also, his Lordship expressed a strong opinion, that a general public subscription to carry on a petition to the House was a crime."

It will be said that this was only an opinion pronounced by a judge in equity, and not by a criminal tribunal, which alone can be supposed to have a right to deal with such a case. But I answer that it was the solemn legal opinion of one charged with the administration of justice, and that it was confirmed by high legal authorities in the House of Lords, and, amongst others, by the chief justice of the King's Bench for the time being. It was found, in accordance with the law, and was entitled to the consideration of the House, more especially as there was no conflicting opinion to rebut it. All the cases showed that not only the signing of a petition, but the getting it up, was confirmed to electors and candidates, and that no other person had a right directly or indirectly to interfere. Then, Sir, if I have satisfactorily established the principle, who can doubt that an infringement of it is a breach of the privileges of the House? It is and must be a contempt, and consequently a breach of privilege, for any person to do that which the House says he shall not do. The House had decided that a letter written by one Thomas Fergusson to influence the vote of an elector—he being in the employment of the crown—was a breach of its privileges. Let the House suppose the case of a Member elected by the almost unanimous suffrages of his constituents, but who was petitioned against from private motives on the ground of an election fund—suppose this individual not encumbered with a large fortune, but having before his eyes the fear of a dunning creditor or of a necessitous family, reproaching him with the wicked weakness of his ambition—suppose that this favourite of the electors chose rather to abandon his seat, than to defend it to his ruin,—was this case an impossible—was it even an improbable one? What man in his senses would be a candidate, if he must always have the fear of these consequences before his eyes? If this association were permitted to one side, it would be equally legal for the other; and in that case the whole representation of the country, and the whole construction of the Government for the time being, would depend upon the longest purse. This is a state of things which I am sure no Gentleman in the House would wish to see. I shall now have to prove that it is a conspiracy and a crime at common law, and a breach of Parliamentary privilege for any persons to confederate together for the several purposes mentioned in my 3d and 4th resolutions. I shall first inquire what sort of confederacies have been held at common law to subject parties to a conviction for conspiracy. Russell, in his excellent work on the criminal law, lays it down that every confederacy of persons to obstruct, prevent, or defeat the course of public justice, or wrongfully to prejudice or to impoverish a third person, or to maintain another in any matter whether true or false, or to effect any public mischief, will amount to the crime of conspiracy, the unlawful agreement being the gist of the offence. I have before shown that no man can legally maintain another in a civil proceeding—that it is a violation of the common law—that it is against the provisions of sundry statutes—and that it subjects offenders to fine and imprisonment. Now, Sir, a petition against the return of a Member to Parliament is altogether in the nature of a civil proceeding, though some hon. Members perhaps may consider it a very uncivil one. The petition does not seek to prosecute criminally an alleged offender, but is in the nature of an appeal for the trial of civil rights. I have before shown that to assist in getting up such a petition, or to support it with money, is forbidden by the law, and by the practice of this House, and that such assistance and support have been pronounced by judicial authority as an act of maintenance at common law, and a crime. The case, therefore, to which I have last alluded does not and cannot apply. If then, Sir, maintenance be of itself an offence of so highly criminal a nature, how greatly must that crime be increased when it is superadded to and incorporated with another of equal if not of greater magnitude! I mean, of course, conspiracy—which then becomes conspiracy—to do an act of maintenance. Such then, Sir, are maintenance and conspiracy in statute and common law. I will now show how I connect them with a breach of Parliamentary privilege. It appears to me, upon a full consideration of all the cases that have occurred in Parliament on the subject of privilege from the commencement of its records to the present day, that whenever any crime or offence, either at common law or by act of Parliament, has occurred to affect the proceedings of Parliament or elections, or any other matters concerning Parliament, the same crime or offence has been adopted and naturalised, and engrafted, as it were, and acted upon as part of the *lex Parliamenti.* This, Sir, appears to me the only rational basis of our judicial privileges. I consider that every such privilege ought to be founded on the law and consistent with the law, and that any decision of the House in direct violation of a rule of law or of an existing statute would be an act of usurpation and of injustice. It is, however, a rule of law recognised by all the judges of the land, and by every writer on the constitution of the country, that this House is entitled to certain privileges—

that those privileges are part of the law of the land—and that one of those privileges is the sole right of examining, discussing, and adjudging all matters concerning the House itself. What I claim, therefore, for this House as an undeniable privilege, founded upon the law and consistent with the law, is, not the right of ourselves to make new laws, but the sole right of applying the laws as they exist to all matters affecting elections or any of our proceedings—the sole right of adjudging whether in such cases the laws have been broken, and the sole right of punishing those whom we may have found guilty of a breach of the laws which we are so entitled to administer. Is not this position proved by all the cases of libel, with reference to which, proceedings have been taken in this House, from the year 1500 down to the case of the hon. Baronet, the Member for North Wilts (Sir F. Burdett), in the year 1810? Is the authority of Parliament not proved by analogy of what was the case in the courts of justice in the country? Do they not maintain the necessity of a true and faithful record of their proceedings; and do they not commit persons for contempt who infringed upon that rule? Is it not upon record that an individual, a Captain Perry, was committed for presuming to print his brief before the hearing of the cause? If such be the practice pursued in courts of justice, is it not a contempt of the privileges of that House for parties to confederate together to interrupt the established jurisdiction of that House, to prejudice the minds of the public and of the Members of that House, not only by allegations made without proof, and not only before the cause came on for hearing, but before the case was even in course of judicial investigation? Sir, I think I have now said enough in support of my first four resolutions. They will be found to embrace the following list of crimes and misdemeanours:—First, libel; second, maintenance; third, conspiracy; fourth, contempt of court; fifth, breach of Parliamentary privilege, the last uniting them all in a sort of Gordian knot, which this House will not allow to be cut, and which it may, I think, baffle the ingenuity of hon. Members to untie. I now come to my fifth resolution. Sir, the reference I ask for to the Committee of Privileges is founded upon the passages I am about to read from *The Standard* newspaper. [The hon. Member then read the resolutions adopted by the meeting at the London Coffee-house, Ludgate-hill, on the 30th of August last.] He continued:—I shall not imitate the example of those who have taken upon themselves to prejudge the cause of poor persecuted Ireland, whose singular ill-fortune it is ever to be thought in the wrong. Upon the proceedings detailed in these papers I shall make no comment. There is no proof before the House, and, therefore, I will not assert that any meeting took place—that any committee was formed—that any resolutions were passed—that any subscriptions have been made. In order to avoid the possibility of injustice I should be even willing to become an adherent to Bishop Berkeley's philosophy, and to believe, if I could, that no such papers as I hold in my hand were ever printed, and that no such person as Mr. Andrew Spottiswoode ever existed. I wish nothing to be done partially or unfairly. From what has been read to the House, regard being had to my first four resolutions and what I have advanced in support of them, the House is, I think, bound to believe that something has occurred which ought to be inquired into, and that that something must materially affect the question whether or no certain election petitions which have been presented to the House ought or ought not to be proceeded upon? This question, Sir, cannot be determined until the whole facts of the case are laid before the House. That the House has the power, and has always acted upon the principle, of inquiring into the manner in which election petitions (or indeed any petition) have been got up and supported, I have before shown. Sir, I shall now make a few concluding observations on the principles attempted to be established by my first four resolutions. Whatever may have been heretofore thought by hon. Members on the other side of the House, they will now see that in these at least no party question is involved. We are all equally interested in the maintenance of those rights and privileges which we hold in trust for ourselves, for our successors, and for the people. There is no man, however humble, who may not make it an object of his ambition to obtain a seat in this House. Our privileges, therefore, are privileges of the whole nation, and in them every member of the community has a direct and immediate interest. On these grounds, then, Sir, I appeal for support to every party in this House, but more especially I appeal to the right hon. Baronet, the Member for Tamworth, whose chastened temper, and whose wise and enlightened mind will enable him to view the question entirely divested of prejudice or party feeling. He, I think, will admit that I have conducted the discussion of an important and exciting topic with candour and moderation, that I have asserted no principle for which I was not prepared to produce precedent and authority, and that if I am mistaken, I have at least shown grounds for a rational opinion. Sir, the subject to which I have been calling the attention of the House affords a fruitful field for declamation, and had I been actuated by no other feeling than that of making an ostentatious display of rounded periods and studied sentences, my speech might, perhaps, have been more agreeable to your ears, though not so satisfactory to my own judgment. I have throughout addressed myself to the reason of hon. Members, and not to their passions. If I have failed to convince the House of my honest opinions, I shall of course readily submit to their decision. I do, however, beseech the House to ponder deeply and anxiously upon the results that may ensue from it. Our ruling princess, though as yet but in the springtide and blossom, as it were, of her maiden intellect, is wise, just, virtuous, and beneficent. I believe, Sir, that to her we might surrender all our dearest rights without a fear that our confidence would be abused. But let us recollect that life is uncertain—that there is a power more mighty than kings and queens, to whose inscrutable decrees the high and the low, the bad and the good must succumb. The time will arrive (long, long be it averted!)—but the time will arrive, and we know not how soon (for in the midst of life we are in death!), when that virgin Queen, who is now the object of our fondest hopes, shall be torn from us, and laid to repose in the sepulchre of her illustrious predecessors. What may then happen, Sir, lies unseen and unknown in the womb of futurity; but should another despot ever arise in this country, and presume to treat as a bauble yonder mace —the emblem of your authority, and of the House's power—to what should we fly for succour if not to those privileges which have been handed down to us as an inheritance from our forefathers, and which it is now my object to have transmitted to our children's children unimpaired either by royal influence or by aristocratical encroachment, as the best, the only safeguard for the rights and liberties of the people. I conclude, Sir, by moving that the five resolutions which stand on the notice-book be adopted by the House.

On the first resolution being put,

Mr. *Warburton* expressed a hope, that the hon. Member would confine himself to the last resolution which he had read, and merely move for a Committee to inquire generally into the transaction. There might be much difference of opinion among hon. Members as to the details and bearings of the question, but he thought there could be none as to the necessity of the House being acquainted with all the facts of the case. Suppose, for instance, it should appear that among the subscribers to the fund alluded to there were some foreign potentates. [*Oh, oh!*] Hon. Members might exclaim, but the thing was by no means impossible that among the subscribers to this fund there were certain would-be despots, to whom it should be of the utmost consequence of what materials that House should be composed. He did not say the case was so, but it was not impossible, and therefore he conceived it became necessary for them, on being apprised that a large collection was being made to turn Members out of the House by persons other than electors, to institute a rigid inquiry into the allegation. It was perfectly notorious out of doors that there were subscriptions to a large amount raised with a view of trying to influence the determination of the election Committees. He did not, of course, mean that the money was to be applied in bribing the Members who should sit on election Committees, but all knew that as money constituted the sinews of war, so it was the sinews by which petitions were persevered in. If there were money the petition might be persisted in even long after the electors might wish it abandoned. He had seen a list of the subscriptions to this fund, and he thought it would be well to ascertain whether the names there represented were real or not. An Oxford newspaper had been sent to him containing one of those lists, on examining which he found no less than 700 names of bachelors and under-graduates subscribing ten shillings each, besides various anonymous contributions of 25*l.* and 20*l.* each. Now, all this ought to be a matter of inquiry. For his own part, though he might not be willing at once to agree to all the resolutions of the hon. Gentleman, the first of which called on the House to designate as a breach of its privileges the institution of this fund, if the hon. Member only moved for a Committee he should readily have his vote. [" *Hear, hear!*" and cries of " *withdraw.*"]

Mr. *Blewitt*, seeing that the wish of the House was, that he should not press the first four resolutions, and merely move for the Committee would at once submit to its desire.

The question was put and agreed to that the first resolution should be withdrawn.

Mr. *French* submitted to the hon. Member whether he might not as well wait for the motion of the hon. Member for the county of Limerick which stood for to-morrow, and which was precisely for the Committee the hon. Member sought, and thus let the matter come in a more matured shape before the House.

Mr. *W. S. O'Brien* said, that if he were allowed to reserve that portion of his motion which stood for to-morrow, and which referred more immediately to the conduct of the hon. Baronet, the Member for North Wiltshire, he had no objection to the Committee being appointed at once.

The *Speaker* wished to know from the hon. Member for Monmouth, what the question was he had now to move?

Mr. Blewitt: To strike out the first part of the fifth resolution, and move for the appointment of a Select Committee.

The *Speaker:* The hon. Member must hand me the precise words of his motion.

Mr. Blewitt left his seat, and was proceeding to make the alteration in the form of his motion, when

The *Attorney-General* rose for the purpose of entreating the hon. Member to withdraw his motion, inasmuch as a discussion was fixed for to-morrow, which would open the whole subject. On the discussion of the petition of the hon. Member (Mr. S. O'Brien), which had been ordered to be printed to-morrow, they would have both the law and the fact for their consideration, and the House then might determine as to the propriety of the appointment of a Committee of privileges, or a Select Committee. His own private opinion was, that neither the one Committee nor the other would be expedient. The hon. Baronet (Sir F. Burdett) had subscribed and had maintained his right to do so; and many persons entertained doubts as to whether this confederation was an offence. He had seen one Committee of Privileges, and he never wished to see another. A Committee of privileges consisted of all the Members of that House who were of the legal profession, all the merchants, and all the Members for counties, and, therefore, it was neither more nor less than a Committee of the whole House.

The *Speaker* called the hon. and learned Gentleman to order, there being no question before the House.

Mr. *Blewitt* said, if the subject was to be taken up by any hon. Member of more weight than himself, he should be content to withdraw his resolutions. But inasmuch as it was admitted that a difference of opinion prevailed in the public mind on the subject of the subscription, he thought it quite necessary that it should be known what the law was.

Sir *E. Knatchbull* called the attention of hon. Members, and that of the noble Lord, in consequence of the course pursued by the hon. Member for Monmouth (Mr. Blewitt), and the proposition that the subject under discussion should be deferred until to-morrow. The hon. Member for Monmouth had deliberately persevered in bringing on his motion, after he had been requested by the noble Lord to postpone it until to-morrow, and after having occupied the time of the House with the delivery of a speech which very possibly contained much information, now came forward and asked leave to withdraw his motion. Under ordinary circumstances he (Sir E. Knatchbull) should not object to the adoption of such a course, but he did think, under the present it was due to the justice and character of the House that it should come to a decision upon the question.

Mr. *Hume* called the attention of the House to the fact that the hon. and learned Member for Ripon (Sir E. Sugden) had occupied the attention of the House the other evening for two hours and a half, and then withdrew his motion. No objection was then taken by that (the Ministerial) side of the House to the course so pursued. They had not pressed for a division on that occasion. He had seconded the motion of the hon. Member for Monmouth (Mr. Blewitt), in order that the question might be brought before the House; but it was now considered by hon. Members around him that they could not properly decide upon it at present. If the hon. Gentleman was not allowed to withdraw his motion, then let it be negatived. As they were ill informed on the subject, however, it had better stand over or be negatived.

Lord *John Russell* had understood that the first four resolutions had been withdrawn.

Sir *E. Knatchbull* had not been aware that such was the case. If the Speaker should say he had put the question, that would alter the case. He did not believe the question had been put.

Mr. *Praed* had not understood the question to be put.

The *Speaker* said, he had put the question on the first resolutions, and that part of the motion was withdrawn. He considered that no objection existed to the withdrawal. He was then about to put the question on the last resolution, but it not being in the proper form to be put, the hon. Member for Monmouth (Mr. Blewitt) came to the table to alter it. At that time it was, that the hon. and learned Attorney-General proceeded to address the House, when he had called the hon. and learned Gentleman to order, on the ground that there was no question before the House.

Mr. *Williams Wynn* was not aware that the question had been put.

Mr. *Borthwick* had understood the Speaker to have put the question on the first resolutions, upon which he (Mr. Borthwick) rose to oppose them, when he was interrupted by hon. Members on that (the Opposition) side of the House stating that they were withdrawn.

The *Speaker* said, that he had called the Attorney-General to order because at the moment when he was addressing the House there was no motion before it.

Mr. Goulburn rose to address the House, but was called to order by

An *Hon. Member* on the Ministerial side. There was literally no question before the House, and it was not competent to the right hon. Gentleman to speak.

The *Speaker* said, that undoubtedly there was no motion before the House, but if any Member entertained a reasonable doubt as to the propriety of the course pursued by him, he would be most happy to hear anything that might fall from him.

Mr. *Goulburn* said, he had risen to subscribe to the course taken by the right hon. Gentleman in his statement with regard to the first resolution.

Colonel *Sibthorp* said, that it certainly did appear more difficult for the Speaker to perform his duty in this reformed House than in the old un-reformed Parliament. He wanted to know how it was the hon. Member had withdrawn his resolutions without the consent of the House?

The *Speaker* said, he was in the course of reading the fourth resolution, when, in consequence of the hon. Mover desiring to make certain alterations, he called on him to come down to the table and put the resolution into an intelligible shape. While he was doing this the Attorney-General began to address the House, and he called him to order because there was no motion before the House.

An *Hon. Member* on the opposite side (amidst much confusion) suggested that the Speaker had better proceed to read the fourth resolution, as altered by the hon. Member for Monmouth.

Sir *E. Sugden* said, the real state of the case appeared to be this. The resolutions having been regularly moved and seconded, the hon. Member for Monmouth walked down to the table to place the amended paper in the Speaker's hands. You, Sir, continued the hon. and learned Member, state that you afterwards put the question for the withdrawal of the first resolution. But I am bound to say that I did not hear a single word of your putting that question, owing to the inattention that prevailed at the time on these benches. The difficulty seems to me to arise, not from your not having put the question, but from our not having heard you put it. Suddenly you passed on to consider what were the terms of the fourth resolution, with what I at the time, and I say it with the utmost respect, thought some irregularity, I having no conception at the time that any motion to withdraw the resolution had been put by you, Sir. Had I been aware that such a question had been put, I should myself have got up, and opposed the withdrawal.

The *Speaker*: I am sure the House will give me full credit when I say that my only desire is to have the question fairly decided. I have stated, according to my recollection, what I think passed, but I am sure the House will see that it is a very painful situation for a Speaker to have what he says so questioned. I therefore appeal to the House, not so much for my own sake, as for the sake of those who may follow me, that when a difference does arise as to a matter of fact, the question should be properly decided—I wish, indeed, that it were possible to put the question again, but I feel assured the House will do me the justice to think that I would never decide any question in a manner that I did not think fully justifiable.

Mr. *Goulburn* had not heard the motion put for the withdrawal, although it was evident from what had fallen from the right hon. Gentleman in the chair that the question had been duly put.

Colonel *Sibthorp* trusted that nothing that had fallen from him had been construed into any disrespect. He could in all sincerity declare that he had intended none.

Sir *E. Sugden* declared, that he had not the slightest intention to cast any imputation on the chair. His only object had been to explain how it had been that they on that side of the House had fallen into the error of supposing that the question of withdrawal had not been put.

The *Speaker* said, that all he had meant was to point out the very painful situation in which he had been placed by what had occurred.

Sir *Edward Knatchbull* was quite sure that every decision of the right hon. Gentleman emanated from the purest mind. He thought that the decision of the right hon. Gentleman on the subject, whatever it might be, should at once be accepted by the House.

Sir *Edward Codrington* could confirm what the hon. Member for Evesham had stated as the fact with regard to the motion put from the chair. There was no noise whatever on that (the Ministerial) side, though there was much noise among the Gentlemen on the other side. It was that noise which had no doubt given rise to the mistake.

Mr. *Borthwick* had one word to say in confirmation of his previous statement. He would not have got up to address the House in the first instance had he not heard put the question of withdrawal. He then rose solely because he was afraid that the question would be carried for want of opposition.

Lord *J. Russell* said, as there appeared to be so much confusion of opinion in the House, he would state his recollection of the facts, thinking that whatever decision the right hon. Gentleman might himself come to ought to be at once acquiesced in by the House. After the resolutions had been moved and seconded, and the first had been read from the chair, the hon. Member for Bridport suggested that all the resolutions should be withdrawn, except the fourth, and that a Select Committee should be moved for. The question for the withdrawal of the first resolution was then put. The hon. Member for Evesham rose at the moment to address the House, but, finding that the hon. Members on his side did not agree in his wish to do so, he sat down, and the Speaker proceeded. He (Lord J. Russell) then understood the withdrawal to have been put and carried. The Speaker could not be answerable for the inattention of Members who afterwards were unaware of what had been the proceedings. He paid attention at the time, and had now stated his recollection. It remained for the Speaker to take the course he thought necessary.

Sir *Robert Peel* was quite of opinion that the proposition of the hon. Member for Kent should be adopted; namely, that whatever might be the decision of the Speaker on the point must be assented to. It appeared that the hon. Member for Monmouth was prepared to relinquish his first three resolutions. If the father of those babes, and pretty large babes they were, chose to abandon them, they must be thrown on the parish. The House had no authority to compel the hon. Member to provide for them. He and his friends were, he trusted, not to be accused of smothering them. The only safe course for the House to pursue in this as well as in all similar cases was to adhere strictly to their rules. If the hon. Member for Monmouth chose to relieve them—

The *Attorney-General*, amidst roars of "Order, order! chair, chair!" rose to call the right hon. Baronet to order. There was no question before the House. The right hon. Baronet, while he recommended to the House to adhere to their rules, ought at least to adhere to them himself.

Mr. *Blewitt* had always been accustomed to give the right hon. Member for

Tamworth credit for discretion, and finding that he was in a good position, he should imitate the right hon. Baronet,—say nothing more, and sit down. The hon. Member therefore did not move his last resolution, and the others were previously withdrawn.

The *Solicitor-General* (amidst much confusion) rose to move for leave to bring in a Bill to make better provision for collecting and distributing the estates of persons found bankrupts under commissions and fiats directed to country Commissioners. This motion put an end to the confusion, and leave was given to bring in the Bill.

ELECTION PETITIONS.] Lord *Stanley*: As we have now gone through the whole of the business that stands upon the notice-paper for to-day, I beg to take the opportunity of calling the attention of the House to the state in which we stand with respect to the question which we had hoped to have brought to a discussion and conclusion this evening. Certainly if there were any parties in that House feeling that the motion to be brought forward by the hon. Member for Monmouth (Mr. Blewitt) was one not only of the most unusual, but also of the most absurd and ridiculous character.—I say, if there were any parties in this House who were of opinion that the motion brought forward was absurd and ridiculous, I must say, that the proceedings of this evening must have been most highly gratifying to them; because a motion introduced with so much pomp, heralded by so loud a flourish of trumpets—a motion upon which the Government avowedly intended to make a stout battle—was at last brought forward [the remainder of the sentence was drowned in loud cries of "Question!" and cries of "Go on!"] When order had been restored the noble Lord continued: I am too well aware of the practice of this House not to know that at this moment, formally speaking, there is no question before it. If, therefore, it be the pleasure of the House that I wait till the question be put from the chair "that this House do now adjourn," I am perfectly willing to sit down. But I thought it more convenient—[cries of "No, no,"] and I have the right—[cries of "question" and adjourn"] — have the right to make what observations I may think fit, and still be in perfect order, by moving myself, at the close of my remarks, that the House do now adjourn; but I will not take that course. I will wait till the motion for the adjournment be made, if Gentlemen choose to stand upon form, and demand that that more formal course should be taken, because I intend to show them cause why the House should not adjourn without a more definite explanation of the course which public business is to take tomorrow.

Lord John Russell moved that this House do now adjourn.

Lord *Stanley*: I am now in perfect form, according to the orders of the House, and have a right to continue those observations that I was about to make as to the course of proceeding which has been taken this evening, and the course which lies before us for to-morrow. I have stated, and repeat it again, that those who thought that the motion of the hon. Member for Monmouth (Mr. Blewitt) was absurd and ridiculous, must have been highly gratified at the farce which has been enacted to-night. Yes, the motion so confidently brought forward, so avowedly made the groundwork upon which the Government had intimated their intention of taking a most extraordinary and, as I think, most unconstitutional course with respect to petitions, has turned out to be the greatest farce ever enacted in this House. The hon. Member for Monmouth comes down with a long string of, I suppose, very well-considered resolutions; because no man, and especially a new Member of the House, would, I think, come down with so long a string of resolutions, involving the most serious principles, unless they had previously been well and carefully considered.

Mr. *Hume*: I rise to order. The noble Lord is about to arraign the conduct of an hon. Member. Has he given any notice to that hon. Member of his intention? That hon. Member is not now present. I leave it, therefore, to the noble Lord to say how far he thinks it proper to proceed with observations relating to the conduct of another Gentleman, that Gentleman not being present to defend himself.

Lord *Stanley*: I thank the hon. Member for Kilkenny for informing me that the hon. Member for Monmouth is not present. Finding that he has disappeared under the cloud which has involved all the proceedings of this evening in so much mystery, I will not proceed with any observations that can relate either personally to him or invidiously to his motion. But I wish to call the attention of the House, as the Spottiswoode conspiracy storm seems to have blown over for this evening [*No, no!*]—What! not blown over [*No, no!*]—not blown over for this evening? Surely I have a right to say that the storm is blown over when an hon. Gentleman, having given notice of five resolutions, having made a long speech in recommendation of those resolutions, finding very great doubt and difficulty thrown upon them by a part of the House, finally withdraws the first of the five, and on the remaining four, fearing the decision of the House, declines to have the question put. That is the precise situation in which this most vaunted motion, which was to blow up the Spottiswoode conspiracy, now stands. But I want to know what we are to expect from to-morrow. Clearly the hon. Gentleman who has given way to-night has no intention of again inviting us to the discussion of those resolutions from which he has shrunk this evening. No possible Parliamentary ground can be alleged for such a course. The House to-night was full to overflowing. The only wish, on the part of the House was, to have the question put. But the hon. Member could not persuade himself to have the question put, because he was well aware of the reception it would meet with from the majority of the House. Therefore, that these resolutions should ever again make their appearance upon the table of the House, I hold to be a presumption insulting to the dignity of the House. If they should again make their appearance, then I must say, that the proceedings of this evening can be characterised only as the grossest and most vexatious trifling with the House. But I suppose, that the great field-day is to be upon the motion of the hon. Member for Limerick (Mr. W. S. O'Brien). The noble Lord, the Secretary for the Home Department, told us at an early hour of the evening, that it was necessary to print the petition of the hon. Member for Limerick, because the whole question in which his petition was involved was to come under the consideration of the House to-night—that the whole matter would be taken as a substantive question, of which the hon. Member for Limerick's case would form a part, though only a small and inconsiderable part; and moreover, that that case would be determined by the general decision to which the House came to-night. We ask, then, for judgment on the general question; we claim it, we beg for it, but we cannot even have the question put, which is to enable us to express our opinions upon it. Now, it is proposed, as I understand, to sink the general question in the individual question. The petition of the hon. Member for Limerick is to be brought forward to-morrow night, when the great constitutional question is to be decided upon, whether any individual is entitled by the law of the land to subscribe his money to carry into effect the legal rights of any man, or any body of men—whether any individual has the right to support by his money the expenses necessary to procure justice by securing a true election, free from fraud, for Members of this House. We desire to discuss that point on the general question, but we are told that we must discuss it upon the single question. I put it then to those Gentlemen, who were so anxious to call me to order, is it an unreasonable thing that I should ask to be informed what the precise question is to be which, within twenty-four hours, the hon. Member for Limerick is to bring forward? We were ready to meet the case to-night, we were prepared with our answer; we knew the case, we had had warning given us of what it was to be; but now the hon. Member for Limerick, under cover of his single case, persuades the hon. Member for Monmouth to shrink from the general issue, and proposes to have the question revived upon his individual petition, not having had the courtesy to give us notice of what the question is to be when he brings the matter under our consideration. The hon. Member for Kilkenny charged me just now with a want of courtesy in not having given notice to the hon. Member for Monmouth, of my intention to allude to the manner in which he had brought forward his resolutions. But how could I, or any human being, imagine by anticipation the events of this evening? Could any man conceive that a question so solemnly brought forward, would be so ludicrously disposed of? But I submit, whether the hon. Member for Limerick—I do not know whether he be present or not—I submit, then, whether he be not chargeable with a want of courtesy to the

House in not giving, before the question of adjournment was put to-night, a distinct notice of the proposition which he thinks of sufficient importance to bring forward in a substantive form to-morrow. As the hon. Gentleman is in his place, I hope I shall obtain from him the object I have in view—a distinct statement of the nature of the proposition which in the course of some eighteen hours hence, we are to be called upon to discuss.

Mr. *W. S. O'Brien* had taken an opportunity, more than once in the course of the evening, of stating that until the motion of the hon. Member for Monmouth was disposed of, he could not exactly say in what terms his motion would be framed; but, from first to last, he had given a distinct intimation that it was his intention to direct the notice of the House to the conduct of the hon. Baronet (Sir Francis Burdett), the Member for North Wilts. That intimation was given in terms as clear and explicit as he had the power of employing; and his absence from the House, a short time since, was for the purpose of writing out the notice of his motion for to-morrow night, and giving it to the clerk. The notice he was going to submit, and which had been drawn up without any reference to any thing that had fallen from the noble Lord, was to the following effect: that he would, on the morrow evening move, that the petition presented by him, complaining of the subscriptions raised to prosecute election petitions in Ireland, be referred to a Select Committee.

Lord *John Russell:* The noble Lord has called the attention of the House to the proceedings of the night; and, I think, he has indulged rather unduly in an air of triumph at the resolutions moved by the hon. Member for Monmouth not being acceded to by the House. It is very possible, that the hon. Member for Monmouth, not being used to the modes of proceeding in the House, may, without sufficient consideration, have given notice of resolutions with which other hon. Members could not agree. It may be very possible that the motion which he framed was not in accordance with the general view of those who share in his opinion, as to the character of these subscriptions. But I do not think, that the noble Lord is justified in assuming from that that he is to leave this House with an assurance that the confederacy to collect subscriptions for the purpose of displacing Irish Members, and Irish Members only, is to remain unassailed. I do not say, that I could have supported the motion of the hon. Member for Monmouth. I do not say, that it may be fit, considering the law and the precedents in these cases, to institute a Select Committee upon the subject; but this I do say, that an act more calculated to shake men's confidence as to the fair decision of Election Committees—an act more calculated to make men believe that the seats in this House were to be determined, not according to the just rights of the case, but according to the politics of those who held those seats—an act more calculated to make one part of the United Kingdom afraid, nay, strongly sensible, that they will not get justice—an act more calculated to work these evils than this combination, of which Mr. Spottiswoode is at the head, I know no instance of in the history of this country; and if I take any part in the debate to-morrow, it certainly will be to insist upon the dangerous character of such a proceeding. What is the appearance that the thing presents? That men collect subscriptions to support or to attack seats which they think to be held unduly. That would be a question which, upon some precedents and some decisions, might well form matter for deliberation, and one high authority might be quoted who has given a legal decision upon views founded upon the subject. But this is not the character of this proceeding. The character of the present proceeding is this, that hardly were the elections over—hardly could any man know the exact circumstances of any particular election—than a party of persons meet (this was upon the 30th of August, when the particulars of the elections could hardly be known) and decide immediately that a certain number of those elections—they neither say which nor how many—are invalid; they declare that practices had prevailed at those elections, of which they could have no knowledge, and they proceed to say—not, certainly, that they found their petitions upon that point—but they proceed to say, that Members will be seated in the House having different opinions from those of many Gentlemen who have been returned for many parts of the United Kingdom. What was the direct tendency of such a course as this? Was it not enough to make every Irishman believe and think, " Whatever I may do with my franchise, to whomsoever I give my vote, I know, although there may be a majority of hundreds of sound votes in favour of the Member to whom I commit my wants, my feelings, my interests, he will be no sooner returned to the House than he will be attacked by a monied combination, not on the grounds that he does not represent me—not on the grounds that he is not sent by me freely into the House of Commons to speak my sentiments; but, because he does not speak the sentiments of those more wealthy and more opulent persons who take care that there shall be returned for the county or the borough of which I am an inhabitant a person, not to represent my sentiments, but to represent the sentiments of those who subscribe their money to secure the seats of such Members as they please?" I maintain that the tendency of such a subscription is to raise in the breast of every independent elector the feeling I have stated, and no other. I put aside, at this moment, the inconvenience, the expense which may attend those who have been so elected; at this moment, I will not take that point into consideration. But I say that, considering the difference of political opinions, and the differences in point of religion which prevail in Ireland, to raise a subscription fund, and to carry it throughout the country for the sole purpose of unseating Irish Representatives, and no other Representatives, is a measure more calculated to estrange the people of Ireland from a great portion, at least, of the people of England—more calculated to engender feelings of bitterness and of alienation than any measure of which we have a record in history. It is calculated—and this is the most injurious effect of all—it is calculated to make the people of Ireland think that there are Members meeting in London cognizant of the constitution, and aware of the practice of the House, who believe, that if the Members for Ireland are not suitable to the taste of some parties in this country, they may be turned out of their seats. I say this, because the noble Lord has thought fit, at the moment that the House was about to adjourn, to recite, out of triumph, an account of what had taken place this evening. I ask the noble Lord, therefore—as there is no doubt that the hon. Member for Limerick will bring forward his motion—to come down to-morrow and say, not whether it be legal in certain cases to make subscriptions, but whether he be ready to stand by this Spottiswoode conspiracy,—whether he applaud it as an act done in the spirit of the constitution,—whether he stand up for it as an act calculated to cement the union,—whether he, with his knowledge of the proceedings of the House, will say, that those who have circulated and promoted this subscription are likely to make the character of this House more respected throughout the empire. I will not say now, that any direct proceedings can be taken by the House: I know but of one case in which resolutions of a similar nature were proposed to the House, and they stand, indeed, upon a very weak and fragile authority. I wish I could quote some person of high legal fame as having brought them before the House; I wish I could name some person of great constitutional knowledge, some person of sound judgment, as having proposed them; but, alas! the only person I can name as having brought forward any similar resolutions, was the hon. Baronet, the Member for North Wilts. Upon his authority, I certainly shall not lean. The hon. Baronet, undoubtedly, brought a case against two electors of Middlesex, who were Members of this House, who not only had signed a petition but assembled at a meeting somewhere in the city, and passed resolutions condemning the hon. Baronet for having obtained his seat by illegal means. The hon. Baronet moved resolutions calling upon the House to declare whether these electors had not committed an unconstitutional act. Their defence was, that, although they were Members of the House, they were electors of Middlesex, and that they had signed the resolutions in question as being the only means by which they could make common cause with their fellow-electors in promoting a petition against the seat of one of their Representatives; and I think, with this defence, it was hardly to be expected that the resolutions of the hon. Baronet could prevail. But I will not take the hon. Baronet as an authority; any strength to be derived from the former conduct of the hon. Baronet I am ready to relinquish, and give him up entirely to the noble Lord. I promise the noble Lord, that he shall not hear me quote the proceedings adopted by the hon. Baronet as an example for the House to follow in the present instance. I will stand only upon the actual facts that have occurred; and without saying, that it is possible for this House to afford any direct remedy upon the subject; I will say, that it is fit that the public notice should be called to the case, in order that in consequence of the discussion which I hope will take place—in consequence of the condemnation (which I think will be general) of such an attempt to govern the elections—persons may not, for the future, endeavour to say "here are men who do not agree with us in opinion—here are men with whose religion we differ—here are men who go to constitute a majority against us; for these reasons, and upon such pretences, we will raise the country for petitions to subvert them."

Sir *Charles Douglas* congratulated the House upon the speech it had just heard from the noble Lord. But he begged to ask the noble Lord a question—he wished to know from the noble Lord, what was the course taken by him some few years ago, not with regard to subscriptions for election petitions, but with regard to subscriptions for forwarding the elections themselves? He wished to know, whether at the time before there was any coalition between the noble Lord and the hon. and learned Member, who at the beginning of his Parliamentary career was called the franking Member for Ireland, but who since had been well known as the temporary Member for Dublin—he wished to know whether, at that time, the noble Lord was not aware that large sums of money were systematically collected to further the elections of that party to which the noble Lord was attached? The noble Lord might think that constitutional; he (Sir C. Douglas) did not. The noble Lord and his Colleagues might very probably think their coalition with the hon. and learned Member of very considerable importance, and, therefore, they continued steady to engagements which many of them in their hearts wished they had never contracted. Their coalition with that party was, indeed, as disgraceful to themselves as their continuance in office had been pernicious to the country. He repeated the remark, and he thought that the majority of the House must agree with him, when he reminded them that the coalition of the Ministry was with one who could not speak of his own countrymen but as "hereditary bondsmen," nor of the people of England except as the most "priest-ridden" people in Europe.

Question carried, and House adjourned.

HOUSE OF LORDS,

Thursday, December 7, 1837.

MINUTES.] Bills. Read a first time:—Municipal Officers' Declaration.

HOUSE OF COMMONS,

Thursday, December 7, 1837.

MINUTES.] Bill. Read a second time:—Houses of Parliament.

Petitions presented. By Colonel EVANS, from the Westminster Electors, for Vote by Ballot, and Extension of the Suffrage, and Short Parliaments.—By Sir W. MOLESWORTH, from Edinburgh, against considering the Reform Act as a final measure.—By Mr. LAW HODGES, from Tenterden, Kent, against the Spottiswoode Subscription Fund; and against the present system of Bribery at Elections.—By Sir ROBERT INGLIS, from the Members of the Manx Bar, against the annexation of the Bishopric of Sodor and Man to that of Carlisle.—By Mr. BAINES, from Leeds, against the Duties on Wool and Olive Oil.—By Mr. O'CONNELL, from Halesworth, East Suffolk, for the suppression of Bribery at Elections.—By Mr. BARNARD, for the effectual and final Abolition of Slavery.

THE SPEAKER,—EXPLANATION.] The *Speaker* rose and said, I wish to take advantage of this occasion to address a few words to the House. Most of those who now hear me will not, I am sure, be surprised when I say, that the transactions of last night, at the close of the address of the hon. Member for Monmouth, were such as have left a deep impression on my mind. In anything that I now say I do not wish to forget that I am the servant of this House, and, with that feeling on my mind, nothing can be further from my intention than to question the right of a Member to animadvert upon anything that falls from the chair; still further is it from my intention to seek to control that which any Member feels it his duty to do, from a sense of duty to this House and to the public. Feeling this, and as I trust I have ever been governed by such a feeling, I regret to find that I do not possess, as I appeared to possess, as much of the confidence of the House as I some time since ventured to hope I had done. From the moment in which I was first placed in this chair, the greatest object of my desire, and the highest object of my ambition, was to obtain the confidence of this House, and this by the directness the truth, and impartiality of my conduct. I have reflected calmly upon the transactions of last night; I have endeavoured to give the most full effect to all that was said by those who took part in that debate. I have done that which I believe all men who are sincerely and earnestly desirous of ascertaining the truth ought to do in matters in which they are themselves concerned, to ascertain coolly and calmly the character of the transaction in which they have taken a part. Touching that transaction then, I am bound to confess that it does appear to me that there were appearances that indicated that I do not possess that degree of confidence, which I think it essential that persons holding the situation that I do should at all times obtain from this House. I have always, in my mind, made a great distinction between the duties imposed upon me in regulating the forms of this House and those duties which are the most serious and not the least important, the moral duties of a Speaker. Unless a Speaker possess the confidence of the House in these respects, he cannot discharge the duties imposed upon him with credit to himself, or with advantage to the House. I do not wish, in fact nothing can be farther from my intention, than to revive the discussion of the last night—nothing can be farther from my wish than that anything I should say might provoke a discussion of the sort. I have only to express what are my own feelings, and to give to the House the assurance, which I do most solemnly, that, if again I see a similar indication, I shall think the time has come, which perhaps, if I had followed the dictates of my own judgment and my own desires, would have occurred before now, when I ought to relieve myself from the duties that now devolve upon me. Having made this statement, I shall let the matter rest here; but I could not refrain from expressing what is the impression upon my mind with respect to the proceedings of last night.

Mr. *Hume* wished to correct an error into which he had fallen last night in reference to the hon. Member for Ripon. He had stated of that hon. Member's motion, that he had spoken for two hours, and concluded by withdrawing his motion. Such was his impression at the time; but he found by the votes that the motion had not been withdrawn, but put and negatived without a division. He was bound to correct the error into which he had fallen.

IRISH ELECTION PETITIONS.] Mr. *Smith O'Brien* felt, he said, in bringing forward the motion of which he had given notice, that he laboured under very considerable disadvantages; but in submitting that motion he hoped that the House would extend to him more than its usual indulgence. When he had presented his petition upon the preceding night he only presented it with a view and in the hope that some other Member, some Member of greater experience and of more weight with the House than himself, would have proceeded with it; for it was in his opinion, quite impossible that to a subject of such importance the attention of Parliament would not be called. A resistance had, however, been made on the preceding night to the reading of his petition, which he thought was uncalled for, and the resistance, too, which had been given to the printing of his petition was such as to induce Gentlemen around him to suggest that he ought to give notice upon this subject. It was, then, under such circumstances that he did not come as well prepared as he might have come upon this subject had he had a longer time for consulting the different authorities that might be applicable to the subject. He was most anxious to acquit himself in the opinion of the House from the charge of presumption in bringing forward his motion. The fact of subscriptions to defeat the returns of Irish Members was a matter of public notoriety, and the motion which he was that night to submit to the attention of the House was intended to call forth their opinion in that manner which appeared to him to be the most legitimate in which the subject could be decided. Here the attention of the House was called to it by one of the parties against whom the confederacy had been directed. He came forward in his own case to complain of the operation of that confederacy which he thus brought under the attention of the House. He should not, as he had forborne to do on the preceding night, enter into any circumstances connected with the election petition. An *ex-parte* statement had been published upon the records of the House, and he was contented, at the present moment, to abide by that; but this he must say, that a more frivolous case for a petition there never yet had been brought before Parliament than that which those who forwarded that petition had to rely upon. He was, too, also strongly under the impression that if it were not for the confederacy and the subscriptions to which he referred, there would not have been a petition presented against him. The petition that he presented expressed an opinion which he still entertained, that if there were not a hope of pecuniary assistance from the parties who managed the funds collected against the returns of Irish Members, a petition against his return never would have been presented. Under such circumstances, then, he felt called upon to complain of the operation of that fund. He now begged to call the attention of the House to the position in which he found himself in reference to his defence. If there had been a subscription got up from a portion of his constituents he should not complain; all such persons, he considered, would have a strictly moral right to subscribe; but what had other persons to do with his constituents? The hon. Baronet the Member for Wilts and his confederates had nothing whatever to say to the county of Limerick. And, then, when he was elected by the people of Limerick he had to consider whether he should enter into a contest with one of the most wealthy men in the kingdom, that gentleman, too, being aided by the purses of other exceedingly wealthy men in this country. He should ask them that night whether they considered it to be constitutional or not that a Member who happened to be the representative of a place in Ireland should be placed in the position which he occupied? Let them take as an instance the case of the Dublin election, and suppose that the person petitioned against was most perfectly assured of his right, yet he might not, and most probably would not, venture upon a contest before a committee, when his doing so would make him subject to a penalty of 9,000*l.* and this, too, for the purpose of maintaining his just rights. What hon. Member, he asked, with only, perhaps, a reasonable portion of wealth, would not only make himself liable to the expenses which might be heaped upon him by persons who were interested against him, but also enter into a contest against those who had funds to an unlimited extent, and who were aided by subscriptions from all parts of the three kingdoms? Let them look at the instance of the Longford committee, where the committee constituted themselves into a tribunal to revise the registration in the assistant barrister's court. There the committee went into the case of every freeholder; and they struck off the majority of ninety-four voters. Suppose, however, that the majority had been 300, then the same committee would be in the one case, as in the other, just as well qualified to have struck off these 300 names, and to have put the defending party to the expense of proving the freehold in each of these 300 voters. He asked if there were any fortune in the House that could sustain an operation like that? This was so unfair to the Irish Members coming into that House that he wished to ascertain if it were agreeable to law, and consistent with the constitution; and supposing both propositions to be decided in the affirmative, then he thought it right to submit to the House that it ought not to be the law, nor any longer sanctioned by the constitution. He had taken the liberty in that document of his, which had been called a speech by the right hon. Baronet (Sir R. Peel,) of stating that the persons generally who had been induced to sign these subscriptions knew nothing of the circumstances under which the elections took place. He was prepared to direct the attention of the House to those with whom these subscriptions originated, and who had a personal interest in the accomplishment of the end for which they had been collected. He referred, first, to the Carlton Club. Yes, he repeated it, they felt a deep interest in the subject; for under the present circumstances of the House, the persons constituting that club might consider that the obtaining of one seat, at least the securing of a few, might bring themselves into office. He said further, if he were not greatly misinformed upon the subject, that many of the persons who set on foot those subscriptions did so with the hope of themselves reaping a good portion of the harvest; those persons were professional men, whose services they expected to be retained and paid for. He said further, that a portion of the press supported the cause of the subscriptions as interested parties. He did not believe that the long columns of subscriptions which he saw inserted in *The Times* and *Standard* were inserted from motives of pure patriotism. He did not doubt that they were found to be very convenient as a supplement to a vacant column, and in adding to the resources of the treasury of those journals. They had seen appeals to persons who, perhaps, had never seen a Roman Catholic in their lifetime, and who imagined that all in Ireland were barbarians—to such persons there were appeals to induce them to subscribe; and the consequence was, that there were the old man and the young, the matron and the maid, all combining their funds against the rights of the Irish people. This he insisted they were induced to do under the grossest misrepresentations. He was not, indeed quite sure that an organised system of misrepresentation was not carried on for the purpose of promoting this one object. He was not sure but that some of the county newspapers in Ireland were employed in the fabrication of falsehoods and the invention of outrages which had no foundation but in the malignant brains from which they originated. He was not sure but such papers received pay from a portion of the funds, for performing this sort of work. He was anxious to take that opportunity of stating to persons who formed opinions and speculations as to the returns from Ireland what was the true cause of the majority which they now sought by such unfair means to reduce. He could tell hon. Gentlemen opposite, that the Irish Members owed not their seats to corruption, to intimidation, or to bribery. The right hon. Baronet had made a similar statement, and he knew best with what accuracy it could be made. The Irish electors had, however, in the return they had made, declared themselves against the party of the right hon. Baronet. Did hon. Gentlemen opposite wish to know the cause of this? It was the declaration of Lord Lyndhurst, acting in the capacity of a leader of their party, and he was sorry to see them so numerous upon the other side. It was Lord Lyndhurst's declaration, and the manner in which his party had voted the last three years; it was his declaration that a majority of the Irish people, that the Catholics of Ireland were to be treated as "aliens" and that they should not enjoy the same rights as the English people; it was that declaration and that policy which had induced the Irish people, the nobleman and the peasant, the laity and the clergy, to rise as with one common impulse to resist the candidate who advocated the interests of the party opposite. He should now take the liberty of calling the attention of the House to the effect which was likely to be produced by the successful operation of a subscription such as that to which he had alluded. It was calculated more than anything else to call forth the enmity of the Irish people. The Irish people were too much in the habit (and justly so) of considering England in the relation of an oppressor. Was there not something in this subscription to show that those persons who contributed to it were anxious to retain that character still? He asked any one on the other side who called himself a British statesman, whether he was prepared to justify such an interference with the rights of the Irish people, and leave to them such good grounds of complaint. During the time that the repeal of the union was agitated, he had put himself forward as the opposer of the agitation of any such measure. But this he must say, that he had heard no argument from any advocate for a repeal of the union so strong, or which could give so good a sanction for it, as such a precedent as that which he now brought under the attention of the House. He said further, that considering the confidence which the Irish placed in the executive government, if an adverse administration were brought in, owing to the operations of such a confederacy and its fund, that he could not answer for the connection between the two countries being maintained, at least it could not be maintained without a struggle. He, however, as a Member of that House would not consent to the establishment of the principle that hereafter it was to be a matter of course that persons in whom the people reposed confidence were to be driven from their seats by others who knew nothing of them, and who only objected to them from party motives. When parties in that House were nicely balanced, and the possession of a few seats might determine the fate of an administration, was this mode of proceeding to secure the triumph of the one and the defeat of the other to be employed? Suppose that a House could be found to be more corrupt than any that could be discovered at present, might not foreign money be brought into such a treasury as that alluded to. He was not putting a case that was incredible when he said that if the East India Company or the Bank of England were looking for a renewal of their charter, and that in the nice balance of parties they found that those in favour of a renewal were in a minority, and that a portion of their immense funds were appropriated to contesting elections and carrying on petitions, in order that they might secure a majority for themselves, and have a preponderating influence in the House—he asked if that would not be a fair case for the intervention of Parliament. He now came to the particular part of his motion, to which he had to call their attention more especially—he meant the letter and subscription of the hon. Baronet, the Member for North Wilts. He should take the liberty of reading it. It was to this effect:—

"To A. Spottiswoode Esq."

"Sir,—It was my intention to have announced myself this day in the House of Commons as one of your 'gang,' but I find the motion that relates to it is deferred until the 6th of next month, and I think it very possible that it may be put off altogether, and that although Mr. O'Connell has pledged himself to prosecute the subject, he may also drop it, as I cannot have the same confidence in his word that the Prince of Denmark had in that of the Ghost."

The hon. Baronet had lately become very fond of quoting Shakespeare. But to continue—

"Although poor Mr. Raphael took it for double the amount. I now, therefore, in order to secure to myself the honour of being one of the 'gang,' for seeing justice done both to Ireland and England, by subscribing to a fund intended to defray the necessary expenses for that purpose, and in order to make my wish as public as possible, take the liberty thus to address you, and to request the editor of *The Times* to transmit to you my subscription of 20*l*."

After reading that letter he begged to call the attention of the House to the fact that the hon. Baronet was liable to serve on an election petition, that he was liable to do so under the obligation of an oath; and he now wished to have the opinion of the House whether the hon. Baronet was fitting to be one of the parties who were to be his judges. The hon. Baronet had subscribed 20*l*.—he had understood it was 25*l*.; but he had put in a certain sum as an instalment, and therefore he had a distinct interest in the saving and management of the fund. They could not deny that if they diminished the expenses there would be less money to be paid; and the hon. Baronet must be anxious to get his business done for the least amount. He understood that it had been distinctly stated by the hon. Baronet, at a public meeting, that the principle of paying by instalments was a good one, and the inference was, that what he recommended to others he practised himself. He asked, then, was the hon. Baronet to be one of his judges? He was not in the secrets of Mr. Spottiswoode, and he did not know how many others of his subscribers, like the hon. Baronet, might be his judges. If he got the Committee, however, they would know more about the matter. Were they to tell the Irish people that no inquiry was to be granted, and that they were not to learn whether the judges for deciding on their rights were interested parties? Were they, because the Grenville Act had not contemplated any such case as this, to be told that therefore there was to be no disqualification against hon. Members who subscribed to deprive the Irish people of their rights as electors. Supposing 200,000*l*. were given to stifle the opinions of the people of Ireland, were they to have no inquiry into the matter? Was the House of Commons to make no inquiry into a subject of such importance? He maintained that the hon. Baronet had disqualified himself from acting impartially under the sanction of an oath. It might be answered that the Grenville Act did not sanction the inquiry. Supposing there had been bribery by one of their Members, would not the House appoint a Committee to inquire into it? Would it be said that the House, which was so jealous of its honour that it appointed a Committee to inquire into the after-dinner conversations of the hon. Member for Tipperary, would refuse inquiry? If the House did this, would it not inquire into a gross and grave dereliction of duty on the part of one, and perhaps more, of its Members. He hoped the House would not answer him that it had not the power; but if there were only an explicit declaration on its part discountenancing such conduct, merely as a warning for the future, then the labours of that Committee would not be in vain. He had shown abundant reasons, he considered, for a Committee; but if the House were of opinion that under existing circumstances nothing could be done, and that no law could be brought to bear against the subscribers to the present fund, then he would say that a declaration from them against vexatious petitioning would be important —against that system of vexatious petitioning to which he was himself then exposed. He candidly said for himself that he could not afford the expense of going through a contest before one of those Committees. This he said broadly and distinctly, that under the existing state of the law he could not afford it; but he wished to have a declaration from them denouncing the conduct of hon. Members subscribing to funds to disqualify others and deprive them of their seats. He said that such an announcement would be an important one, if it alone were to be the result of the debate. He trusted that he had shown sufficient cause for a Select Committee, and he now asked were the Irish people to be told it was not to be granted? He had no intention to occupy the House at such length. He felt he had been obliged to submit his case very imperfectly, as he had only been able to give it a very hasty consideration. He was sure that the Government, indeed that both sides of the House, would not consider this as a party question. If there was a spirit of fairness—if there was, as he was sure there was, a disposition to see fair play on that as well as on the opposition side of the House, he hoped that the House would not rashly come to a conclusion adverse to the motion with which he was about to conclude. With respect to himself he had submitted what appeared to him to be the true state of the case, and he was willing now to leave its decision entirely in the hands of the House. He was prepared to adopt any course which the House might require, but, at the same time, he could not help expressing the strongest possible opinion that the House ought not to separate without coming to a decision on this question. The hon. Member concluded by moving that a Select Committee be appointed to inquire into the allegations contained in the petition presented by William Smith O'Brien, complaining of the subscriptions which had been raised to encourage the prosecution of petitions against Irish Members, and of the conduct of a Member of the House in having contributed to such subscriptions.

Mr. *E. L. Bulwer* rose to second the motion. He said he would not detain the House above a few minutes, because it seemed to him that the question lay within the narrowest possible compass. He agreed that the hon. Baronet, the Member for Wiltshire, might not, in his individual case, present himself as an accuser and a judge, because the hon. Baronet might, if he pleased, absent himself from serving upon any Election Committee; but, at the same time, the House must recollect that though the hon. Baronet might be exempted from sitting, he was not disqualified. The hon. Baronet had given the sanction of his name to the subscription. He had publicly declared that the accusations to support which that subscription was set on foot were true; he had made himself a party to those accusations by subscribing to pay the expenses of the accusers; and at the same time he was qualified to sit as judge in that tribunal before whom those accusations must come. It must be recollected also that the brilliant example of the hon. Baronet might have a peculiar effect in encouraging those persons to prosecute their petitions. He did not desire to visit the particular instance of the hon. Baronet with punishment by the House; but since the hon. Baronet had declared that he had written the letter which had been made the subject of comment with the express object of provoking opinion from the House, he called upon the House to determine, aye or no, whether a Member of that House might make himself a co-partner in a proceeding which the constitution had declared to be illegal. He would not enter into any long argument respecting the details of this case, or the peculiar points which legally attached to it. He hoped that the decisions of the House would stand upon trodden grounds, and therefore he appealed to the common sense, to the feeling of justice and honour of hon. Gentlemen on both sides of the House, whether the whole theory and practice of the contributions were not against the first principles of English legislation. He looked upon it to be one of the first principles of the laws that they did not condemn any man before he was tried and found guilty. Now, all these contributions, the resolutions which had been passed, the subscriptions and the letter of the hon. Baronet, all had assumed that as a fact upon which they would be called upon to adjudicate. They had assumed as a fact that certain Gentlemen who were returned to Parliament by the Liberal electors of Ireland ought to be unseated; and they were endeavouring by subscriptions to overbear the nation. They called upon the country, before the trial of these Gentlemen, to punish them by exclusion from that House. What was the common practice in every court of justice? The swindler, and even the murderer, were deemed not guilty before they were put upon their trial, both by the country and by the press; and they obtained this right, at least, that they should not be prejudged. It was not sought to influence the passions of men against them, and there was nothing done to prevent their having a full, fair, and impartial trial before an impartial jury. In this country, where justice and mercy were extended to the meanest delinquent, the reverse was followed in the present case, and the public journals and the resolutions of these pharasaical subscribers, these neophytes of Oxford, all agreed in the truth of a wholly unproved accusation, and combined against those against whom no guilt had been proved, but who were suspected of being guilty. He would not call this unconstitutional or illegal, but he would ask, if it were unfair, and ungenerous, and un-English in the case of a common individual to prejudge the case of the offender before trial, how much more wrong and unjustifiable was it on the part of a member of the very court before whom the case must be tried. The hon. Baronet, the Member for Wiltshire, said last night that he thought it a very extraordinary and most unheard-of proceeding that censure should be passed on the object of these contributions. It was not so unheard-of as the hon. Baronet seemed to suppose. He hoped he might be allowed to take that opportunity of refreshing the recollection of the hon. Baronet. Perhaps the hon. Baronet would recollect some circumstances that occurred about thirty-five years ago: indeed they took place on the 6th of December, which was a very extraordinary coincidence. Thirty-five years ago a petition was received by that House, complaining of the return of the sitting Member for Middlesex, the means of defraying the costs of that petition being a subscription which was entered into. The sitting Member thought it desirable to bring the case before the consideration of the House. These were the remarks which he made on doing so. The then sitting Member for Middlesex said, "that there could not be two opinions, that to enter into a subscription for a petition was highly indecorous; that the object was improperly to prejudge the case, and to prejudice the minds of those who would have to judge it." And this Gentleman concluded by moving a resolusolution, which he (Mr. Bulwer) was sure would be agreed to by all the Members on his side of the House, "That a subscription to support a petition not pending in the House was a breach of privilege." This the Member for Middlesex then said. But who was it that thus denounced subscriptions, and called it a breach of the privileges of the House? It was one Sir Francis Burdett. That hon. Baronet was then the sitting Member for Middlesex, as he was now Member for North Wiltshire. The proceedings of the hon. Baronet at that period, and those which he now adopted, reminded him of an old story of the man who was restored to youth on condition that he should lose all recollection of the past. It did seem to him that this fable had been realised in the person of the hon. Baronet. It seemed to him that the change from Middlesex to North Wiltshire, whilst it restored the Baronet from age to youth, had also produced an oblivion of all early opinions, of all old associations, of all former friendships, and of all that should be dear to a public man —the character of his former life. But there was a distinction between the case brought forward by the hon. Baronet and the present case. In the one case the subscribers of whom the hon. Baronet complained were all electors. They were also the petitioners. But in the present instance the parties to the subscription were neither electors nor petitioners; they, in fact, had no interest in the constituencies. In the present instance, also, his hon. Friend, the Member for Limerick made a much more moderate motion. He was content with not saying that there was a breach of privilege, but merely moving for a Committee of inquiry. There was this, also, in the present case: the whole object of these subscriptions was directed against one part of the empire. They had contests in England and Scotland—they had petitions against Members who were returned from places in England and Scotland, but there was not one shilling of contribution. The sole and whole object of the party was to bring to bear all their resources against those Gentlemen who had been returned from Ireland. Was this what they called justice to Ireland? Was this the policy they wished to adopt for the preservation of the Union? If they all formed one kingdom, how was it that they heard day after day, how was it that they saw worded in resolutions, that the votes of ten or twelve Irish Members overbore the votes of the Members for England? Why did they not also hear that the votes of the Members for the metropolis, who entertained the same political opinions as the great majority of the people of Ireland, were overborne by the votes of the Members of Norfolk? The House must therefore recollect that these subscriptions and the whole object of these petitions were directed against men, not because they were political opponents, for those subscribers did not touch English and Scotch Members who were equally their political opponents, but because they were the Representatives of Ireland. He must on this subject address himself to the right hon. Baronet opposite (Sir Robert Peel). Of course he need not say that he had always entertained feelings of personal respect towards that right hon. Gentleman. He believed that the feelings of the right hon. Baronet towards his political opponents were always subordinate to his sense of equity and justice. He would also add that such was his opinion of the right hon. Baronet that, whether a petitioner or petioned against, the right hon. Baronet was the last in that House to whom he would object to refer his case. Allow him, then, to ask, in the name of that character for equity and justice which he had attributed to the right hon. Baronet—allow him to ask the right hon. Baronet to state fairly and simply whether he approved of the object, the spirit, and the application of those funds? If the right hon. Baronet approved of them, and exonerated the hon. Baronet, the Member for Wiltshire, why did not the right hon. Baronet himself subscribe? If the right hon. Baronet did not approve of these subscriptions, why did he not discourage them? He must say, that in the present state of parties it was uncertain how long it might be before the right hon. Baronet was the Prime Minister of the country. Had not, then, the Representatives of the people a right—above all, had not the Representatives of Ireland a right—to know whether by such means as these subscriptions and petitions the right hon. Baronet had procured power? Let it be fairly understood, whether in future the representation of the third part of the empire was to be put up to public auction? Was it to be bought and sold according as the richest party could afford to deter and intimidate candidates from seeking the representation. He did not know what course the noble Lord below him (Lord John Russell) would adopt, but he knew that it was incumbent upon the leader of the House of Commons to protect the Representatives of the people. He thought it the more the duty of the noble Lord as he had hitherto been the consistent advocate of civil rights against religious disqualification. Every body knew that this was nothing more or less than a pecuniary crusade against the religion and the liberty of Ireland. All came from the same party. Hon. Gentlemen, who denied to Irish towns a mayor and common council, growing large from their political intolerance, were now contented with nothing more or less than a wholesale disfranchisement of the Parliamentary privileges of the Catholics of Ireland. Upon that principle let them take their ground,—let them avow it to the constituency. He would appeal also to the constituency, and call upon them to consider well to what purpose the power that would be thus obtained by the hon. Gentlemen on the other side, would be applied. He called upon the House to be jealous of those who were interested by any motive to oppose this motion, and thereby to refuse justice.

Sir *W. Follett* said, that he had not meant to have intruded himself upon the attention of the House at that early stage of the discussion, as he certainly did expect, after hearing from the hon. Gentleman who introduced the motion, and after hearing from the hon. Gentleman who seconded it, that the proceedings of this association were illegal and unconstitutional—after hearing it declared that for persons unconnected with the county of Limerick, not forming part of the constituency of the hon. Mover, to presume to subscribe in order to present a petition to question the legality of the return for the county was a breach of the privileges of that House and of the Constitution, he must say he did expect that some Member of the Government, or if not a Member of the Government, at least one of the law officers of the Crown, would have condescended to state to the House, whether, in his judgment, it was illegal, or unconstitutional, or a breach of the privileges of Parliament, for any portion of the people or the constituency of the empire to subscribe or associate for the purpose of bringing before the legal and constitutional tribunal of the country, for its decision, the right of persons to sit and act in that House as their Representatives. He must say, if that were the question before the House—if it were contended that this was an unconstitutional and illegal act, he must entirely protest against such a doctrine; and he should like to know when it was that the hon. and learned Attorney-General, who had expressed but last night such alarm at the proceedings of this subscription committee, or the noble Lord, the Secretary of State for the Home Department, had discovered the illegality of such proceedings. He could not help believing that there was something in the peculiar state of parties at that moment—that there was something in the peculiar position of her Majesty's Ministers, and in the nice balance on which the majority of the House turned, and some latent suspicion that there was an infirmity in the title of some of the supporters of the Government, which had led hon. Members on the other side of the House to discover that a practice was illegal and unconstitutional which had prevailed longer than the memory of any one living, and he believed as long as the freedom of the House of Commons itself. He was satisfied that he could bring back to the recollection of hon. Members opposite—and he begged the attention of the hon. Gentleman who had last addressed the House—he could bring back to the recollection of hon. Members opposite that this practice and this habit be it bad or not, had been the practice and usage of this country as long as any one in that House could remember, and the hon. Members on the Ministerial side of the House had been themselves the promoters of the practice. They had been themselves the promoters of subscriptions for the purpose, in the first place, of aiding in an election in which they had no actual interest; and, secondly, in promoting petitions and subscriptions for the defence of seats. He wanted to know why they should not? The hon. Member for Limerick told them that the practice was unconstitutional. Was not the hon. Member for Limerick, who sat in that House, as much the representative of the people of England, as he was of the electors of Limerick? Was there any hon. Member in that House who, as a Member of it, had not full power to legislate, not only upon matters affecting the general interest of the united empire, but had they not the power to legislate upon the local or personal interests of every person in every town and village of the country? Therefore, he could not believe that it could be held up as unconstitutional for persons unconnected with a particular borough to subscribe or aid in bringing the question of the validity of the return for that borough before the proper tribunal. Every inhabitant of any part of this empire, be he an elector or not of the borough or county, the return for which is questioned, had, in his opinion, a legal and a constitutional interest in the right of the party returned to sit and act as a Member of that House. There was no resolution of the House, there was no statutory enactment to restrain or prohibit the interference of the constituency and inhabitants generally in these questions. The only restriction, as was well known was, with respect to the signature of the petition itself, and even this restriction did not, at all times, prevail—for in the interval between the original Grenville Act and the 28th George 3rd, a petition might have been presented and prosecuted, although coming altogether from persons unconnected with the place, the return for which was questioned. And how had it been in practice? He did not know any time of great political excitement in which such subscriptions did not exist, and he could bring back some of them to the resolution of hon. Gentlemen opposite, many of whom, although Members of that House at the time, had openly and avowedly encouraged and taken part in such subscriptions. He remembered, before he had the honour of a seat in that House, he took considerable interest in the election of his noble Friend, the Member for the county of Dorset (Lord Ashley). He recollected the election of 1831, in that county. His noble Friend was then returned as Member for the county, but he had scarcely been returned before placards and advertisements were issued from a committee sitting in London, calling upon the Reformers of the United Kingdom to come forward with their subscriptions in aid of a petition to unseat his noble Friend. What was the effect of that exhortation? A petition was presented, and he would venture to say, that a more unfounded petition had never been presented to that House. But who were the members of that committee? Was the noble Lord, the Member for North Devon (Lord Ebrington), then in the House? If he were, he would ask if he was not a member of it, and if he did not lend the sanction of his name to the placards and advertisements soliciting subscriptions for that petition, and if he did not afterwards attend in his place in the House when the election Committee was ballotted for, ready to serve, to use the words of the hon. Gentleman opposite, as a judge or a juror in the cause in the success of which he was thus interested. On that committee was also the hon. Member for Bridport (Mr. Warburton). Perhaps that hon. Member would inform the House whether any foreign potentate had subscribed. Perhaps he would tell the House where the funds came from, and what particular interest the persons that subscribed shillings, as he believed was the case in the town of Reading, which his hon. and learned Friend represented (Mr. Sergeant Talfourd) had in that petition. The House might from thence judge of the knowledge which the parties subscribing had of the merits of the petition which had been presented against his noble Friend. The hon. Member for Cornwall—for he had the names before him—was also upon that committee, as were also the noble Lord, the Member for Chester, and the then Member, not the hon. Baronet who was now attacked, but the hon. Member for

Wiltshire at that time (Mr. Methuen). He should like to ask the hon. Member for Bridport, if he was present at the ballot on the occasion of the presentation of the petition? He should like to ask the hon. Member for Bridport, if he did not take upon himself an active part in striking that very committee? He should also like to ask, whether the noble Lord, the Member for Chester, or the hon. Member for Cornwall, or the hon. Member for Wiltshire, had thought it necessary to be absent from that ballot? But to be sure the hon. Member who spoke last was extremely eloquent upon the impropriety of subscribing to aid a petition. That hon. Member had told them that the hon. Baronet, the Member for North Wiltshire, had subscribed 20*l.* to carry on the suit, and ought not, therefore, to be a juror. The hon. Member for Lincoln had told them that the hon. Baronet ought not to be a judge, as he had prejudged the case by subscribing 20*l.*, and that although the hon. Baronet might from his age excuse himself from serving on the committee, yet that his example might induce other Members, who might be compelled to serve, to be guilty of the offence of subscribing to a petition fund. Would the hon. Member for Lincoln tell the House that he himself had never subscribed to an election petition? He had before him an extract from *The Globe* newspaper, of the 27th of March, 1835, which he would read to the House. *The Globe* newspaper now, as then, spoke pretty nearly the sentiments of Ministers, and of the hon. Gentlemen opposite. They seemed in 1835, to have adopted a most unconstitutional doctrine. In that paper he found this passage: "We understand that Mr. Villiers has the strongest case against his opponent, Mr. Lushington; and we are sure, he will unseat him, if the matter comes before Parliament; but the misfortune is, that the expense to which Mr. Villiers has been already put, will probably incapacitate him from resuming his efforts. The electors of Canterbury, who have a more permanent interest in establishing their rights, have come forward most nobly." The hon. Member (Mr. Bulwer), doubted whether even electors ought to subscribe, but *The Globe* said, that the electors of Canterbury had come forward nobly. [*Cheers from the Ministerial Benches.*] He begged the hon. Gentlemen opposite not to cheer too early. The passage did not stop there—it went on to say, "Would it not be a shame to the Reformers of England, if these patriotic electors are left unaided in the struggle?" He believed, that the hon. Member for Lincoln was not an elector of Canterbury, but he found in the list of subscribers to the fund in aid of Mr. Villiers's petition against the return of Mr. Lushington, the name of Edward Lytton Bulwer as a subscriber of 5*l.* 5*s.*

Mr. Bulwer rose to explain. [*Order, order.*]

Sir *W. Follett* said, it would be much more agreeable to him. if the statement of the hon. Gentleman were at once heard. It might be that the statement in the newspaper was not correct, and he therefore asked the hon. Member for Lincoln to say at once whether it was correct or not.

Mr. *Bulwer:* It is not correct.

Sir *W. Follett* said, he hoped that the hon. Member would have an opportunity, in the course of the discussion, of stating whether he had ever subscribed to any petition. [Mr. *Bulwer:* Never.] He was ready then to admit on the hon. Gentleman's statement that there was some mistake. There were two Gentlemen of the same name, who were both, at that time, Members of Parliament, and thence probably the mistake arose. If, however, there was a mistake in the newspaper statement in reference to the hon. Member for Lincoln, he would now refer to another passage in a newspaper which he had seen that day, in which he was sure there was none. A meeting had been held no longer ago than yesterday in the city of London, for the purpose of considering the petition that was presented against the Members for that city. Resolutions had been passed expressing the opinions of the meeting that the petition was frivolous and without foundation, and the chairman of that meeting was an hon. Member of that House. That hon. Member might be called upon to serve upon that very Committee. Now, was there any essential difference between a party stating his opinion in respect to the case of the petitioners against a return, or of one stating an opinion on the case of a sitting Member? But the resolutions of that meeting were not merely confined to the business of raising subscriptions to oppose the petitions; they distinctly pledged the opinion of the meeting and of the chairman that the petition was groundless and vexatious. If, then, there be any difference in the course taken by the hon. Member for Surrey and the hon. Baronet, it is surely in favour of the latter, who has expressed no opinion on the merits of any particular petition. Now, he begged to call the attention of the House to a few of the facts connected with this association. The hon. Gentleman opposite asked, whether it was not the intention of the association to promote petitions against the returns of Irish Members only, and with a view to attack the Catholics of Ireland? For his own part, he could only assure the House that, if he thought it was at all intended by this association to make any attack on the Catholics of Ireland, or the electors of Ireland, he should be the last person to stand up in that House for its defence. But to allege this was a mere begging of the question; when they spoke of the Representatives of the Irish electors, that, he would remind the House, was the very question which the House had to decide, namely, who were the Representatives of the people of Ireland? And he had reason to believe, that many of the elections of that country had been carried by means of an extensive system of intimidation, or by registering the votes of persons who had no legal claim to vote at all. He appealed to any Gentleman who had attended to a few of the recent Committees on Irish elections, whether a system of intimidation and fictitious voting did not appear to have prevailed in Ireland to an extent altogether unknown in this country? And it must be recollected that the acknowledged defects in the Irish system of registration rendered the creation of fictitious votes much more easy than it could be either in England or in Scotland. And now, as to the time when this association was set on foot. This meeting, which had been so often referred to, took place in London on August 30, and they were told that in its results, it was likely to produce a vast number of petitions against returns. But he held in his hand a Dublin paper, an opponent of the politics of her Majesty's Government, a paper dated the 18th of August, twelve days before this very meeting, in which was an article declaring that "petitions against the election of Members returned for the following places would certainly be presented to Parliament with every certainty of success;" and then followed a list of places, including Dublin, Belfast, Queen's County, Longford, Limerick, Armagh, Westmeath, Tipperary, Sligo, Clonmel, &c., in all fourteen petitions, involving the return of twenty-six Members. Yet, what was actually the case? That instead of fourteen petitions there were twelve against the Irish returns, and only sixteen seats instead of twenty-six involved. With regard to the Limerick election petition, he had received a letter from the secretary of the subscription Committee, requesting him to state that, as far as this petition was concerned, no communication, either direct or indirect, had passed between the petitioners against the sitting Member and the Committee, and that they had received no application for funds from the petitioners, and that they knew nothing of the petitioners. He begged now to call the attention of the House to the grounds upon which the Committee thought themselves justified in their proceedings. One of their resolutions declared, that "with respect to the ultimate disposal of the funds of the association, it had never been proposed, nor was it now, for the association to originate or undertake any election petitions against the returns for Ireland, but only to give grants of money in aid of such petitioners or parties whose cause seemed to them to be good and just." It further went on to declare that in all cases the Committee would require it to be shown to them that the petitioners had good grounds for their allegations, and that they were not actuated by merely vexatiously hostile motives against the sitting Member, and further, that they had done all in their power towards raising the necessary funds, but still stood in need of assistance." Now, he would ask the House whether, with its recollection of all that had taken place in former times, it was prepared to pass its censure upon an association the objects of which were thus declared and restricted? Did the House recollect what took place in respect to the late Dublin election petition, when the petitioners were put to immense expense before they succeeded in upsetting the return of the then sitting Members? Did the House recollect that the hon. Gentleman who fruitlessly defended that seat, and who, in doing so, put the petitioning parties to this enormous expense, received by subscriptions in England, from persons wholly unconnected with the city of Dublin, the sum of 8,000*l.*? Now, he would put it to the House whether it would not be fair, if a petition were again to be presented against the hon. and learned Gentleman's return, and from the same Gentlemen again—whether it would not be fair that in this second contest they should have some of the same sort of assistance from the people of England as the hon. and learned Gentleman had already received? If the hon. Gentleman had a right to receive subscriptions from the people of England, in order to repay him for defending a seat which the Committee declared he had no right to, in common fairness, might not the same petitioners receive subscriptions from amongst their friends in England again to petition against a return which had been obtained by a still narrower majority than on the former occasion? But they were told that they ought not to prejudge questions of this kind, or to raise general funds for the support of election petitions; or rather, as the noble Lord, the Secretary for the Home Department, expressed it, that "they ought not to be in such a hurry" to do so, before they knew whether there would be grounds for petitioning or not. The hon. and learned Member for Dublin was very eloquent last night in denouncing the impropriety of persons sitting as judges and jurors in their own causes; but he would beg of that hon. and learned Gentleman to pay a littte attention to his own acts and words upon former occasions before he again ventured upon such themes in this House. In a number of *The Freeman's Journal* for April, 1837, at a time when no dissolution had taken place, when there was no election immediately in prospect, when, therefore, there could be no consideration of the merits of petitions, he found the report of a speech made by the hon. and learned Gentleman opposite, in which after some observations against the Tories and Messrs. West and Hamilton, he said something to the following effect:—"It was not to be endured that Members who had supported the Melbourne Administration should be thrust out by the Tories, and he was anxious that the wish and desire of the association should go abroad that those Members who had supported, and who would still support, the Melbourne Administration, should be elected free of expense; and in case of any contingency, he wished that two resolutions should be passed to that effect, and in order to beat the Tories in every possible way, he proposed that each Liberal Member should subscribe 50*l*." For what? "To meet the expenses of elections? No—but to form a petition and anti-petition fund." Well, but a petition and anti-petition fund might possibly be fair if it were intended to assist the cause of justice on both sides; but in order that there might be no misunderstanding as to the object of this fund, the hon. and learned Gentleman was interrupted by Mr. Barrett, who said, "an anti-Tory petition fund?" to which the hon. and learned Gentleman replied, "of course, of course." The hon. and learned Gentleman then added, "that if each of the Irish Members," who, be it remarked, were then sitting, and might be judges and jurors on election petitions, "were to give the sum of 50*l*., a sum of 3,000*l*. would be obtained, which would be no bad beginning;" and the hon. and learned Gentleman then put down 300*l*. for himself and his three sons, who were all at that time Members of Parliament. The hon. and learned Gentleman had also, on the same occasion, said that "these subscriptions would put a check to the system of petitioning, and he (Mr. O'Connell) engaged there would have been no petitions against Carlow or Longford, but that it was thought that they would not be able to encounter the expense of defending the seats." And now he would ask the hon. and learned Gentleman would he again repeat the arguments and the opinions he had advanced last night against the impropriety of the motives of what he denounced as the Spottiswoode Conspiracy. These subscriptions, which the hon. and learned Member himself originated, were set afloat in the month of April, during the sitting of Parliament, and in the lifetime of the late King, and it was not until the 30th of August that the first meeting of the Spottiswoode conspirators took place. So that it could not be alleged that the Dublin association subscriptions took place to oppose those of London; and he could not believe that the hon. and learned Gentleman could, after what he had just read, have the courage again to stand up in that House, and to repeat his eloquent denunciation of last night against the almost criminal impropriety of a Member of Parliament subscribing to a petition fund. But, as he apprehended it was not because there was anything either very novel or very improper in the fact of Members of Parliament subscribing towards funds of this description, that so much was said upon the subject just now, but rather because there was something at this particular moment particularly inconvenient in this election petition fund, the object of which was to bring the rights of individuals to sit in that House to issue in the Parliamentary course. But he would ask, was it right or consistent, after the leaders of their own party had been members of committees for similar purposes, had originated subscriptions of the very like nature—who had afterwards attended in their places at the striking of Election Committees, and who if so struck would have served on those very Committees towards which their subscriptions were directed—was it right, was it fair, was it decorous, to come down and utter a denunciation against others for the very same conduct? If, on the other hand, it were to be decided that it was not right that any other parties should subscribe towards the expenses of a petition but persons belonging to the place where the election took place, and that Members of Parliament ought in no cases to subscribe towards such funds, it would be right for the House to declare this to be the case by a prospective enactment to that effect. But he would beg of hon. Gentlemen opposite to consider well where they could draw the line:—would they allow subscriptions for an election, and yet not for a petition, or to defend a seat?—would they allow the inhabitants of the place, although not electors, to subscribe, and prevent the electors of other places?—would they allow a subscription after a petition was presented, and not before? All these considerations would satisfy hon. Members that no resolution or act of the Legislature should be hastily come to on such a subject. But if the line could be drawn any where—if the rights of the people are in this respect to be interfered with, at least let it be done by an act of the Legislature prospective in its operation, and for future occurrences; for he could not help thinking, and he put this in all sincerity to the noble Lord opposite, that the character of this House must suffer in the eyes of the country and of the world, if because the exercise of this right was found at the present moment to be inconvenient to the party composing the majority, it should be attempted by the appointment of a committee or by a mere resolution of the House carried by the votes of that majority, to denounce that as illegal which neither the law, or the usage, or the feelings of the people, have hitherto regarded as anything but a constitutional right.

Viscount *Ebrington* said, that he did not rise for the purpose of replying to the very able speech of the hon. and learned Genman who had just sat down, but simply to explain the part he had taken in reference to a former election for the county of Dorset, to which the hon. and learned Gentleman had made particular reference. At an election for the county of Dorset, which took place some years ago, he certainly had, though not an elector, taken a very deep interest in the success of an hon. Friend of his who then contested the county against the noble Lord who now sat for that county. He well recollected that he allowed his name to be put down as a member of the Committee fund in London, for the purpose of promoting subscriptions towards that election, to which subscriptions he also himself contributed. He recollected also having heard at the time of circumstances connected with that election which, in his opinion, formed very strong grounds for a petition against the return, and he would not pretend to say that he might not have authorised the use of his name as a member of a Committee which was then formed for the purpose of promoting subscriptions in support of such a petition. At the same time he trusted the House would believe him when he said that he had no recollection of having taken any part in the proceedings of that Committee, nor of having subscribed towards the funds of it. But, even if he were mistaken in his recollection of these particulars, was there no distinction to be drawn between a subscription promoted for the individual purpose he had described and that which they were now considering, the subscribers to which could have no knowledge of the general merits of all the Irish elections, to petitions relating to which their funds were to be applied? He would ask again, was there no difference between his conduct in the case he had referred to and that of those individuals who, without any inquiry into merits, issued a wholesale subscription against all the elections of one portion of the kingdom? As he had already said, he did not rise with the intention of offering any arguments against those of the hon. and learned Member for Exeter, but merely to explain the facts of a case to which the hon. Gentleman had referred; and in which he (Lord Ebrington) was personally concerned; and until he heard something more conclusive than any which he had yet heard on the subject, he should not be induced to consider that his conduct in this affair offered a precise parallel to that of the parties to the subscriptions they were now considering.

Mr. *Denison* having also been alluded to by the hon. and learned Gentleman in the course of his speech, begged to offer a very few words in explanation of what his conduct really had been in reference to the meeting on the subject of the city election petition. At the late election for the city of London, as the House was aware, there were five candidates; and his hon. Friend near him was returned by a majority of six votes over the rejected candidate. The friends of the rejected candidate, however, now petitioned against all the four sitting Members, and a subscription was raised by the Conservatives for the purpose of supporting that petition. The subscription on the sitting Member's part, therefore, was merely a defensive one. With respect to his having acted as a chairman at the meeting in the city, for the purpose of forwarding this object. he begged to assure the hon. and learned Gentleman opposite that he had the honour of being an elector for the city of London, for he took care to inquire into that fact when applied to by the Secretary to preside at that meeting, who assured him that his name was on the list of voters, or they would not have applied to him. With respect to the possibility of his being on an election Committee, he could also assure the hon. and learned Gentleman that before he took the chair he said to a friend of his that he did not think he should serve again, because having served on eight petitions he should swear off.

Mr. *Warburton* admitted the charge made against him by the hon. and learned Member for Exeter, of having taken an active part in the election for the county of Dorset some years ago; for he acted as Chairman of the London Committee for his friend Mr. Ponsonby, in opposition to the noble Lord who now sat for the county. As to what took place in reference to that election, as far as he could recollect the circumstances at this distance of time, Members of Parliament studiously avoided subscribing to the funds in support of the petition against the noble Lord's return. For himself, as far as allowing his name to be inserted in the advertisement, calling upon all the inhabitants of the United Kingdom to subscribe in support of this petition, he believed the hon. and learned Member for Exeter had certainly established a case against him—a fact which, of course, Members opposite would not fail to use to the best advantage. With respect to the subscription to defray the expenses of the hon. and learned Member for Dublin in defending his return, he certainly not only did all in his power to advance that subscription, but he had contributed to it himself. But then it should be recollected that this subscription took place after the Committee had completed their labours and had given their decision; and he knew that a very strong feeling had existed amongst all those who projected the subscription, that nothing of the kind should be entered into and no steps taken towards it until after the disputed return was decided. But, under whatever circumstances a subscription of this kind had been raised, there certainly appeared to him to be a great difference between a particular subscription for one particular case, and a general subscription directed against a very large class of individuals. And in respect, particularly to the part he had taken in reference to the election for the county of Dorset, he considered that, situated as he was, as the Representative of Bridport, the seat of the reforming interest of the county, he could have acted in no other way.

Mr. *Poulter* thought the House ought to be informed that this system of subscription was not confined to Irish elections. He held in his hand a provincial paper, dated Salisbury, November 11, in which was an advertisement calling upon every person in the country to subscribe in support of a petition against his return. And he was sorry to see amongst the subscribers to this proposed fund the name of one of the hon. Members for Dorchester. He did not think hon. Members opposite were dealing fairly by him in this, for he could positively assert, whatever might be the case with other Members, that in the whole course of his life he had never subscribed one farthing against any of them. And yet in the list printed in this advertisement he saw the names of many persons who were not likely to be his constituents, and of many rich and influential parties, bankers, and others, uniting for the purpose of supporting a petition against the return for the borough of Shaftesbury. He thought that before the hon. Member he had alluded to put down his name to this subscription, he ought, at least, to have considered a little the moral features of the case. He believed it would be found that a more fair, a more honest, or a more constitutional return had never taken place than that for the borough of Shaftesbury. He was surprised that hon. Members on the other side treated him with so much unfairness; but he maintained that the hon. and learned

Gentleman who had recently addressed the House from that side had entirely failed in defending, upon constitutional grounds, the propriety of these subscriptions. He saw no difference whatever between unjustly prosecuting a petition in that House, and instituting unlawfully a suit in a civil court. The form of proceeding was similar in the two cases. The petitioner proceeded, as a plaintiff, by declaration, and was required to establish his proof *secundum allegata.* He found it stated in books of high authority, that a person leaving the sum of 20*l.* for the purpose of maintaining an action at law was guilty of an illegal act. Were not these petitions supported in the manner that had been described, equally guilty? If such a system were allowed, it would have this effect that a large number of persons, at a trifling expense, might prosecute to ruin a single individual. Yes, it was wholly inconsistent with the freedom of election, and in direct contradiction to all good and honourable feelings, that a man of moderate independence and without high connections should be overwhelmed by such a confederacy. It was impossible for him not to desire that a check should be put to such proceedings, when he saw such individuals as Mr. Curling putting down their names for 50*l.*, 20*l.*, or 10*l.*, for no other object, he firmly believed, than to ruin a humble though independent individual. Surely the House could never say that this was not a case which, in all its circumstances, should be probed to the bottom. If it should appear the hon. Gentlemen at his side of the House had been betrayed into acts of the same nature as those which he condemned, let the charges be proved against them, and let them abide the consequence; but he did say that if ever there was a case calling for the interposition and protection of Parliament, it was the enormous extent of those subscriptions and combinations which, for the first time in their present number and circumstances, had been set on foot in this country. It was utterly impossible for an independent man to do his duty if he was not only harassed by a grievous opposition at the hustings, offered on very unfair grounds, but when he had triumphed there fairly and honourably he were again assailed by petitions got up in this manner. This was a question in which the Government and every Member of that House were deeply interested; and he was surprised to hear so serious a charge as that which the motion conveyed met by the imputation of unconstitutional proceedings on the part of persons professing liberal opinions. He did not think that his own was a case which ought to be prejudged, and he was satisfied that it supplied a strong argument for the motion for a Committee, which should have his most strenuous support.

Lord *Ashley*: I shall not detain the House longer than for a very few minutes whilst I confirm every thing which has been stated by my hon. and learned Friend the Member for Exeter. I entirely agree with the hon. Member for Bridport (Mr. Warburton) that there is a vast difference between the petitions at present under consideration and that which was instituted against my return. There is certainly a very great difference in the two cases, in the one the whole force of a country was directed against one individual and in the other, one large class is struggling for victory over another. Now let me tell the House the grounds on which the petition and subscription were got up against me, and I think I shall be able to prove that a more unwarrantable proceeding never was instituted. What was the argument used in private to induce persons to subscribe? Why this—"Show but a menacing attitude; he has no money to resist; he is exhausted by the contest, and he must retire." They did show that menacing attitude, and I did retire. It is true that my friends used their best exertions and contributed by subscription for the purpose of obtaining for me a fair hearing; but it was to the malignity of my enemies—for I can call it by no less harsh a name—which I do not, however, mean to apply to the hon. Member for Bridport, who has behaved to me in the most candid and honourable manner, that I owe my sole preservation. The poll was vexatiously kept open for eighteen days, three Sundays having occurred during this period. The election closed on the 17th of October. I arrived in town on the 19th, and on the the 20th or 21st at the very latest, the whole town was placarded with appeals to the country to drive me from my seat. My noble Friend the Secretary of state for the Home Department asked last night how it was possible that those persons who had subscribed to the fund at present under discussion could be aware of the merits of the several petitions, the subscriptions, having been instituted before they could be known. What, then, does he say to my case, which forms a perfect precedent for the present proceedings, taking them to be such as the noble Lord has decribed? Why, four days after my return a committee met in Cockspur street, and issued placards calling on the whole country—great and small, all who advocated Reform principles — to subscribe in order to drive me from the seat which I had unjustly usurped. And what was the effect of this appeal? Only two days ago a Gentleman resident at reading told me that he perfectly well recollected when the news of that subscription came down to the town which I have named, and that it produced a strong sensation amongst the Reformers, the tradesman and labouring man contributing his shilling to swell the fund destined for my destruction. Well, then, I say to the hon. and learned Member for Dublin, if your consciences were not then so tender as to notice such proceedings—if you could sanction those practices at that time—why do you display so suddenly such moral feeling and such a love of the Constitution, and such a wonderful knowledge of law, as to denounce any Gentleman who has taken part in this subscription as unworthy of the character of an Englishman, and as perpetrating acts unsanctioned either by law or gospel. Now, recollect, that subscriptions having been opened three or four days after my return, the petition was presented on the 3rd of March; the country was still appealed to; sums came in day by day. I had to defend my seat for seventeen days—one day less than the duration of the election itself. And what in the end was the result? Why, the hon. Member for Bridport said to me, "Well, if I had known you had so good a case, nothing on earth would have induced me to take the part I have done." The hon. Member for Shaftesbury (Mr. Poulter), who is now so very fearful as to the system of petitioning, had no qualms at that time—neither he nor his party reprobated the practice—the whole thing passed off without a remark. And, though I cannot undertake to speak with certainty, yet my belief is, that many hon. Members of this House contributed on that occasion for the purpose of displacing me from my seat; but then no one thought that their conduct was unconstitutional, inconsistent with the spirit of the constitution, or subversive of the just rights and privileges of Parliament. I did not rise, Sir, to argue this question, but merely to confirm what has been stated by the hon. and learned Member for Exeter, and I feel happy to acknowledge the manly and honourable conduct of the hon. Member for Bridport, and of the noble Lord, the Member for North Devon (who has pursued this evening his invariably upright course), in admitting that they had affixed their names to a Committee-list, the object of which was to amass subscriptions for turning out an individual.

Mr. *Goring* did not think that the noble Lord had stated the case fairly when he asserted that this petition fund was set on foot to decide between two large classes. The truth was this, that the wealth of Ireland was in Protestant hands, and the Members returned to that House being for the greater part elected by Catholics, this conspiracy was concocted in order to foment religious prejudice against the maintenance of the rights of the mass of the population in Ireland. He knew that this combination was looked upon in its proper light by the people of England. It was illegal and unconstitutional for a number of persons to subscribe in order to defeat the return of a man who might not have means to defend his seat, and the House ought to purge itself from every imputation of unfairness and oppression.

Mr. *Villiers* could not understand why it was attempted to cast ridicule upon this case unless to escape from the charge which had been established against the parties in question, for he had heard nothing that varied the circumstances of the case which were alleged against the contributions to this fund, and which, if he understood it, was an offence against the privileges of this House, and by means so odious and oppressive as upon grounds of public policy to call for specific notice. It was not a matter even where the facts connected with it were in question; they were admitted, the object of the parties was undisguised, and they had only now to look to the consequences that legitimately flowed from them to decide upon the nature and magnitude of the offence. He did not hear it disputed that men of wealth and station had combined to contribute their funds for the purpose, by means of the Parliamentary tribunals, of removing a class of persons from this House, and substituting in their seats partisans of their own; and that they had so engaged to promote and maintain these petitions before Committees without inquiring into the merits of the case, without having an immediate interest in the result, and without ascertaining how their funds were to be applied for the purpose. These were the facts before the House. They had the object in view, and they had the fund which had been contributed for its accomplishment; but the country had another circumstance before it, namely, the character of the tribunal, as it had been described by hon. Members themselves on all sides of the House, and which was allowed to be as imperfect in every respect as tribunals tried by any test whatever could be found to be. In his hearing it had been admitted by all parties that the judges were justly suspected because they had an interest in the result of the inquiry; that they were incompetent because they were without learning and experience, and they were exclusive, for no man of moderate fortune could ever think of appearing before them. What, then, he asked, were the people to think who heard this character of the tribunal, and heard that large sums had been raised to question the seats of their Representatives before them? He knew that it was the custom of the House to repel with indignation the idea that their votes would be influenced by place or pay; but when the people heard of Members denouncing Committees of their body as impure, why should it be an extravagant supposition on their part to believe that the direct mode in allowing the judges themselves to share in the fund was the mode in which the favourable decision for the contributors was to be obtained? No one would deny that any Irish elector would be justified in his opinion, and was it right to leave justice thus to be suspected? But if this, in fact, were improbable, and they were to judge of the policy of allowing these combinations for the purpose of instituting or threatening petitions against Members, they must contemplate things that were possible; and he would ask whether this combination, available for the ruin of any individual, might not be brought to bear in other ways than in directly petitioning against a Member, and whether some trusty organ of the sacred treasure might not intimate to some Member that he had the means of ruining him by the expense of a petition if he resisted: he might show him the list of subscribers—he might point to his judges as among the interested men, and who were subscribers, and then suggest to him that if he would either abstain from voting on particular questions, or vote with the party of the subscribers, that no petition would be presented or maintained. No doubt that was not to be admitted; but he had been just long enough in the House to hear of strange terms that Members were charged with making for their votes, and of transactions in Committees that in a moral point of view were not worse; and if it had not been done already, there was no reason why it should not be done: for once let it be admitted that combinations of persons to avail themselves of the defects of the tribunals of this House might be found, so that justice might be tampered with in any way, he would ask what iniquity, however enormous, might not be practised, or ought not to be expected? All such consequences were contemplated from confederacies such as they were contemplating by the law of this country, and which laws were constantly enforced at a time when our courts of justice were as degraded and suspected as the Parliamentary tribunals were declared by Members of this House to be now; and it was only since our courts had been above all suspicion, that they had ceased to hear of maintenance, of champerty, or barratry; but if ever they could sink to the level of an Election Committee, again would the public hear of all the iniquity which, under the forms of justice, they inflicted. He was sorry to think that there was less importance attached to the proceeding because it involved only the fate of Ireland — he observed with regret the manner in which persons allowed themselves to speak and write about Ireland; but if he could appeal to no higher feeling, let Members only think themselves, let English and Scotch Members remember, that this was a bold experiment just made, which, if allowed to pass unheeded, would not be confined to the Irish, but would be applied to any class who were obnoxious to the wealthy classes, who had combined their property for this purpose. Let those of moderate fortune remember that this was only carrying out the favourite notion of the opposite side, that none but the rich, or the creatures of the rich, should sit in this House. Let every man remember who advocated the popular interests, and who had been chosen for his principles rather than for his purse, that he might be the next object for persecution by this confederacy. It was an advantage in the Reform Bill, that in many of the constituencies the franchise was in the hands of the industrious classes, who might, on any day, return one of their own body to the House. Did anybody doubt, if a working man were returned to the House, that this aristocratic fund would not immediately be directed against him, to compel him, by a ruinous petition, to vacate his seat, and make room for one more agreeable to the opposite side? And was this the way, he would ask, to make the House respected or trusted by the people? Where was it to end if they did not now mark their sense of the injustice and impolicy of this scheme? Why should not every popular Member be driven from his seat? And what was the answer which the hon. Member for Exeter gave to the opinion of the Crown lawyers, that if this were allowed by the constitution it ought not to be; or the answer to his hon. Friend, the Member for Lincoln, when he asked the right hon. Baronet, the Member for Tamworth, why he sought to defer or prevent the reform of the tribunal? Why, the answer was this, that the practice was of long standing in this country to interfere with the due administration of justice in such cases, that it was done on both sides, for his speech was nothing from beginning to end but recrimination and bandying back the charge upon this side which had proceeded from it; and what did that prove but the greater necessity of reform, and the extent to which the injustice had been carried? He was convinced in his own mind that they ought, for the satisfaction of the public, and for the vindication of the honour of the House, to reprobate this system by some vote or resolution. If they refused protection to persons from so crying an injustice, they would have that done which always was done in those cases where the law did not afford adequate protection—the aggrieved parties would take the law into their own hands, and they would have some organised system of retaliation upon those persons or those bodies who had made themselves conspicuous in this matter. They would see other combinations formed for the purpose of harassing these contributors with suits, or investigating their titles to their property; or by some act or other, attempts would be made to deter men by example from a repetition of this offence. He had heard that the colleges of Oxford had come forward to contribute their funds for the purpose of maintaining petitions against Irish Members. Would it be, then, wonderful if Irish Members were to retaliate, call for inquiry into their charters, or institute suits on the presumption that they had forfeited their charters? For many other reasons, that he would not detain the House, by stating, he contended that these subscriptions by persons ignorant of the merits and not interested themselves in the result, were against public policy, and most dangerous to the rights and liberties of the people.

Colonel *Conolly* said, that a large part of that House had fallen into the common error of considering certain persons in that House as the people of Ireland; and they assumed that, because some of those persons had been petitioned against, and because subscriptions had been raised in support of those petitions, the rights of the people of Ireland were attacked by the people of England. That, however, was a most erroneous idea, and he called on Britain to vindicate the rights of the oppressed people of Ireland, who were suffering under a tyranny so intense as hardly to be credited. The word which had been uttered by Lord Lyndhurst, and of which such use had been made in agitating the country, had been fairly hunted down; and those who depended on agitation were obliged to look out for some other inflammatory topic, and the English subscription in support of the Irish petitions had furnished them with one exactly suited to their purposes. It was said, that the subscriptions which had been entered into, showed the hostility of Great Britain to Ireland; but he viewed it as an act of generosity to those who were prevented by poverty and oppression from approaching the legitimate tribunal of the land to seek redress for their grievances. He could not imagine how people could suppose that House could be corrupted by the money which had been subscribed in London in support of Irish petitions. It was childish and incredible to suppose, that that money would have any other effect than of putting in a fair light the state of Ireland, and doing justice to the electors of that country. He was not petitioned against, nor he believed had any person ever intended to do so. He lived in a county where there was little difference of opinion, but it had not escaped the exertions of certain persons to disturb its tranquillity. Certain persons had tried to excite the people, and there were certain persons who had made tours to that part of Ireland for purposes of agitation, and he believed that some eminent King's counsel had also been sent down to produce agitation and deprive him of his seat. That agitation of Ireland, which had been so long continued by self-interested men, was the greatest curse of that country. It was to that cause they were to attribute the large amount of the army estimates, the blood which had been shed from resistance to tithes, all the crimes which they had witnessed, and the misery and wretchedness of the country; and that the party who had dreaded that agitation, who had opposed the laws of the land and disturbed the peace and tranquillity of the country, should now come to that House and complain of a subscription intended to free the country from their domination, was indeed extraordinary. He alluded to what had passed in Ireland, and not to anything which had taken place in that House. His object had been to show that the act of Britain, as regarded these subscriptions, was an act of generous interference—to afford those who were trampled on and oppressed, an opportunity of coming before a fair and legitimate tribunal for redress of their wrongs. Ireland knew full well that England was ever generous to the distressed, and that she had often received relief from Britain when the other party, her pretended friends, had robbed and plundered her. He had seen thousands sent from England to Ireland to relieve her sufferings, and he could not sit and hear it stated, that the present combination was to deprive her of her rights, or that the subscription had been entered into for the purpose of injuring her interests.

Mr. *H. Grattan* reminded the House, that the subject of discussion was the petition of his hon. Friend (Mr. O'Brien); and the argument of "*et tu quoque*," urged by the hon. and learned Member for Exeter, was rather a curious answer to the statements contained in that document. The practice was admitted to be a bad one. Ought it, then, to continue? Why not abolish it altogether? Why not determine "*est usus abolendus?*" The subscribers to this Spottiswoode fund had directed their whole artillery against the unfortunate Irish Members. It was, in fact, an anti-Irish, anti-Catholic, and sectarian combination. His conviction was, that the whole conspiracy had been organised long before the elections took place, and he would refer to the events which attended the Longford election in proof of the fact. But, in addition to its being an anti-Irish conspiracy, it was more particularly aimed against those Members from that country who professed the Catholic religion. Let hon. Members who doubted this assertion, look to the list of the subscribers. [The hon. Member read a long string of names from among the subscribers, with a view of showing that a considerable proportion of the fund had been sent in by persons notoriously hostile to the Catholic religion.] But what puzzled him most was, to see the names of so many fair ladies on the list—old dowagers and interesting spinsters had entered heart and hand to aid the fund. There was Mrs. Hastings, Miss Mary Hastings, Miss Ann Hastings, &c., &c., to the end of a long chapter. Now, why in the name of common sense, should all these good ladies be so hostile to Irish Members? But what to him was the most vexatious part of the whole affair, the Spottiswoode conspirators had actually swindled three most amiable and interesting female relatives of his own. But to be serious. Did the House know how many Protestant clergymen figured on the list as contributors to this fund for upsetting the Irish elections? Why no less than 1,121. Where was the hon. Baronet (Sir F. Burdett), who clamoured so loudly about the unholy combination of "Paid patriots, Popish priests, and Irish agitators," while he stated this fact? What had he to say upon this combination? Hon. Members, on the opposite side, exclaimed "War is protection!" He said so too, if such combinations were to be deemed the elements of peace. But notwithstanding all the great Spottiswoode conspirators could do, his conviction was, that the spirit of liberty would, ere long, establish on the firmest basis the rights and liberties of his Irish countrymen.

The *Attorney-General* was desirous, in a very calm and dispassionate manner, to state to the House the view he took of the case under discussion. When the hon. Member for Limerick, last night, gave notice of his intention of moving for the Committee, he ventured to express his opinion that its appointment would be altogether inexpedient, and no less useless. The opinion he then expressed, he still maintained. For what purpose, he asked, should a Committee enter into this investigation? The facts of the transaction were not at all disputed, and that being the case, when these facts were reported by the Committee, what would there be to be done? No one proposed to institute a criminal prosecution; he believed it was neither intended nor wished by any one; then, was the House to enter into any question of breach of privilege? Such questions, in his humble opinion, were as far as possible to be avoided. [*Cheers.*] Hon. Gentlemen opposite cheered, but let them hear him out. Whenever necessary let the House practically bring them forward, and exert those privileges with which they were invested, but do not mix up with them any speculative question involved in debate. For these reasons, if the question came to a division, which he hoped it would not, he should vote against the proposition for a Committee. But was it from this to be inferred that he approved of what had been done by the subscribers to this fund. No! he most strongly condemned it, as being unconstitutional, illegal, and as tending to most mischievous consequences. His hon. and learned Friend, the Member for Exeter, had not ventured to defend it. The whole of his address, in which he displayed his usual acuteness and deep casuistry, amounted in the end to but a recrimination on his opponents. *Tu quoque* was its starling note from the beginning to the end. But after all, throughout the several cases with which he was furnished he produced nothing at all to be compared to the Spottiswoode proceeding. This was, in point of fact, neither more nor less than a subscription against the Irish Catholic Members of that House. [*"No, no!"*] It was so. It was an appeal to the Protestants of England against the Catholics of Ireland. The right hon. Baronet had stated, no doubt with perfect sincerity, that he was ignorant of this being the fact, but he contended that it was proved beyond all doubt. Therefore it was, he asserted, that this subscription was peculiar in its nature, and most dangerous in its consequences, for it tended to stir up religious strife, and endanger the integrity of the empire. He had been applied to by the hon. and learned Member for Exeter to state, as a law officer of the Crown, what was his opinion of the question in its constitutional bearings. It would have been perhaps better if the hon. and learned Member had himself set the example, for there was no man more capable than his hon. and learned Friend of giving a sound opinion upon any point of constitutional law; but, as he had been appealed to, he would, with great humility, state what he found in the law books on this subject. He had narrowly consulted all the authorities bearing upon the point, and the conclusion to which he came was this, that these subscriptions were illegal. The law of England exercised great jealousy with respect to the pure and impartial administration of justice; and, with the view of giving it effect, laid it down, that if any person should assist with money, or even advice, unless professional, a suitor in any court, he should be deemed guilty of what was legally termed maintenance, and punishable accordingly. Even at an early period, it was found necessary to enact severe laws against combinations which had either a direct or indirect tendency to prevent the due course of justice; and among other things it was expressly specified, that unless a man had a direct interest in a suit, although he believed the case to be founded in justice, and although he was convinced that the party whose cause he espoused had right on his side, by the law of England he was precluded from assisting him with money [*Hear, hear!*]. But there was an exception in this general rule, to which the cheers from the Opposition benches referred—that was the case of a man having an interest in the suit. A man having a right of common, with several others, might make a joint-stock purse with those others to carry on any invasion of the right; but, as far as he could find, there was nothing in the law books which at all applied to this case, and, on the contrary, this express question had been decided by a high tribunal in the country, as if it had been a case of maintenance. The case to which he referred was, that of "Wallis *v.* the Duke of Portland," reported in 3rd Vesey, junior's Reports. It was here held that a party not an elector, contributing money, or assisting anywise the prosecution of an election petition, was guilty of maintenance. A gentleman, named Jackson, was returned for the borough of Colchester, and Mr. Tierney, the unsuccessful candidate, petitioned against the return. Upon this, the Duke of Portland employed the plaintiff, who was his attorney, to carry on the petition at the Duke of Portland's expense. The petition being decided, the plaintiff Wallis, so employed, came against the Duke of Portland for the money he had laid out in the prosecution of the petition, and his evidence not being complete, he filed a bill of discovery, in which he set forth the fact of his being employed by the Duke of Portland as above mentioned. This bill was demurred to, on the ground that it set forth what was not legal evidence. Lord Rosslyn, in giving judgment, held that the employment of the attorney Wallis by the Duke of Portland in the prosecution of a petition in which he had no legal interest, was a violation of the law, and for that reason the demurrer was allowed. This, in itself, was a strong case, but it was made stronger, and brought more home to the present, by the language held by Lord Rosslyn in pronouncing his judgment. He said, "Put this case—a subscription to carry on a petition to the House—I confess I always thought there was something of a crime in it. The case disclosed is of this nature—an undertaking appeared between the plaintiff and defendant, that the latter would contribute to the expense of a petition against a Member of Parliament—that is, an engagement between two parties to the injury and oppression of a third. In short, it is maintenance, for maintenance is not confined to supporting suits at common law." To this decision of Lord Rosslyn there was an appeal, and the case was brought before the House of Lords for their decision. It was argued there, and they unanimously affirmed the judgment of the Court, as well as the doctrine that Lord Rosslyn had laid down, that subscriptions to carry on an election petition by persons who were not electors was maintenance and illegal. So much with regard to general subscribers; but when they came to the case of the Members of that House being subscribers, he did not hesitate to say the subscription was most grossly illegal. Members of that House stood in the situation of judges in respect to these election petitions, and the fact of their subscribing for the prosecution or defence of petitions placed them in the situation of persons having a pecuniary interest in the case. In support of this petition, he had more than one striking case to cite. In the case of a prosecution instituted by the Society for the Suppression of Vice, the Judge, upon a suggestion made to him by the prisoner's counsel, addressed the jury, asking if any of them were subscribers of the fund, for if they were, they could by no means serve on the trial. In another case (the King against Dolby, reported in 3rd Barnewall and Creswell) a similar decision was come to. That was the case of a prosecution instituted by a society calling itself the Loyal and Constitutional Association for the prosecution of seditious publications. The Sheriff of Middlesex, whose duty it was to summon the jurors, had, it appeared, subscribed two guineas to the funds of this association. Upon the trial, the defendant, Dolby, alleging this fact, challenged the jury-box; and the Judge, being of opinion that the jury had been summoned by a party not indifferent to the result of the trial, determined that they should be put aside, and a writ was directed to the coroner of the county, ordering him to impannel a jury, and by that jury the case was subsequently tried. Let the House see in what situation a Member of Parliament might be placed if this practice were permitted. If he had subscribed in favour of a petition against a sitting Member, and if the defence of that Member were declared frivolous and vexatious, he saved so much money out of his own pocket. He did not believe that any hon. Member would be actuated by such motives. But the law was against the practice; the law disqualified any person from being a judge or being on a jury who had the slightest pecuniary interest in the matter at issue. Now, a Member of Parliament who had subscribed to support an election petition, had a pecuniary interest in the matter at issue. On these grounds, it appeared to him that the subscriptions in question were highly illegal. He rejoiced that the subject had been brought before the House and the public. And he trusted, that if there should be any future subscriptions for similar purposes, they would not be of a national or a religious cast.

Sir *Francis Burdett* said, that the other side had been endeavouring to induce him to rise earlier in the evening; but as he had always considered it advantageous not to do that which the enemy recommended him to do, he had preferred deferring his observations on the question. He must say that he wished more of the individuals who sat on the Treasury Bench had addressed the House on the subject. Only one hon. and learned Gentleman had spoken from that bench; and if what that hon. and learned Gentleman had said was true, it put the case entirely out of court. Great as necessarily was the weight of the hon. and learned Gentleman's opinion, and layman as he (Sir F. Burdett) was, he was prepared to meet the hon. and learned Gentleman on this constitutional question, and to call on her Majesty's Government, if the case was an illegal one, to bring it under the consideration of a much better tribunal than that House, in which all sorts of insane political feelings and passions prevailed. In the first place, he must thank the hon. Member for Limerick, who had brought forward the question, for the manner in which he had done so. He was quite satisfied from his demeanour and language that the hon. Gentleman did not intend any slight or disrespect towards him, in not having given him that notice of his motion which he ought, and which he was quite sure, if the hon. Gentleman had been aware of the fact, he would have given him. It was impossible for any man to bring such a motion forward in a more gentlemanly manner than that in which the hon. Member for Limerick had brought forward his motion. He had placed it on fair and intelligible grounds. For instance, the hon. Gentleman had not charged him with being a conspirator, and guilty of everything that was vile, merely because the hon. Gentleman thought that the practice of which he complained was a bad practice, and that the House ought to interfere to put an end to it. On that last point he differed from the hon. Member for Limerick. He did not think that the practice to which he had recourse was a bad practice. He did not see why honest men ought not to be permitted to combine to promote the law—not as men of another description had combined, to defeat the law. He did not see why honest men ought not to be permitted to combine to prevent the law from being defeated by an unprincipled combination, the object of which was to keep men out of Parliament who ought to be there, and to bring men into Parliament who, but for intimidation, would not be there at all. The hon. Gentleman, and the hon. and learned Gentleman, talked of men who had subscribed to forward the presentation of the petitions in question as being corrupt judges. Now their interference had nothing to do with the decision of the House on the question. Nor was it important, if they were honest men, that they had aided in the presentation of the petitions, that they should not constitute a part of the tribunal to decide upon their merits. It was a common thing throughout England for honest persons to combine to enforce the infliction of public punishment on individuals. There was not a county in which persons did not subscribe to a fund for the purpose of bringing felons to trial. Even the learned Attorney-General, who went on the antiquated law of maintenance, acknowledged that it had nothing whatever to do with independent men who subscribed for the purpose of bringing persons to trial who would not otherwise be prosecuted. He, and those with whom he had acted, had said nothing of the prayer of the petitions; they had not said whether that prayer was right or not. He had never thought well of the borough system; although the noble Lord, the Secretary of State for the Home Department, had, in former years, said that it was practically useful, and that it had placed some of the ablest men that had ever lived in the House of Commons. But when he saw a set of priests in Ireland calling on men to vote for their God—when he saw the hon. and learned Member for Dublin affixing to the houses of other men the insignia of death, and endeavouring to influence elections by a system of terrorism more horrible than had ever existed in France in the time of Robespierre, he felt justified in considering whether some means might not be devised of putting an end to such proceedings. Were not such proceedings worse than corruption? Was it not notorious that assassination was resorted to for the purpose of influencing the elections in Ireland? Had not the most dreadful and horrible murders been perpetrated in that country for that purpose? For instance, were there not the murders of Allen and Mackenzie, in the county of Sligo? Had not one of the most respectable noblemen in Ireland, a Roman Catholic, a man whom he highly honoured —had not Lord Kenmare declared that the enlightened Roman Catholics of Ireland had nothing whatever to do with those proceedings? And be it observed, that when the hon. Gentleman opposite talked of Ireland, they left out of their consideration every thing which he and those who sat on his side of the House called Ireland; for they left out all the intelligence, they left out all the property, they left out all the Protestants, they left out all the enlightened Roman Catholics, they left out all the eminent merchants of that country. And a large portion even of those who supported the objects of the hon. and learned Member for Dublin, were compelled to do so by a system of tyranny more oppressive than was ever before inflicted upon a prostrate people. Ireland! He had done more for Ireland than the hon. and learned Gentleman with all his rent. But the whole question was at an end. The hon. and learned Member for Exeter—he should be happy to call him his hon. and learned Friend—had demolished the whole argument of those who supported the motion. The hon. Member for Lincoln had referred to his opinions and conduct five-and-thirty years ago. He must confess the folly of his youth. Instigated as he was at the period to which the hon. Member for Lincoln alluded, by political anger, by the ruinous expense of two election contests in which he had been engaged with the Government of that day, reduced as nearly as possible to beggary—[*No, no!*]—reduced at least to what—although a philosopher might be contented with it—to so narrow an income as only just to be able to keep a carriage and horses, and to maintain the position in society of a gentleman, until the payment of his debts—thirty years ago, when his blood was warmer than at present, after such severe contests, and believing himself oppressed by means of the public purse, he certainly had made the appeal to the House of Commons which had been described by the hon. Member for Lincoln. But what had been the consequence? That Sheridan laughed at him, and that the House of Commons rejected his petition almost *una voce.* But the hon. Member for Lincoln had allowed that he himself had entered his name as a subscriber to a fund for a similar purpose to that which was now condemned. [*No, no!*] Certainly the hon. Member for Lincoln did not deny that he had entered his name on such a subscription list. All that he understood the hon. Member to deny was, that he had paid any money. Perhaps the hon. Member's name was placed on the list as a decoy-duck for others. The present question, he maintained, was an Irish one. But, as a great poet of old said, every thing was different in Ireland from what it was every where else. Among other things, it appeared that a patriot in Ireland was very different from a patriot every where else. He really was at a loss to know whether the hon. and learned Member for Dublin was a Ministerial man or not. Sometimes the hon. and learned Gentleman warmly supported the treasury bench; sometimes he was quite dumb; and nobody knew what to make of him. At the meeting of Parliament, the noble Lord on the opposite side had made a speech which had given him great satisfaction and gratification. "Here," he had said to himself, "is one of the best Conservative speeches I ever heard." No sooner, however, was the speech uttered, than one of the hon. Gentlemen who sat on the benches behind the noble Lord fell on him with such violence, that he could not help exclaiming, with the fat knight, "Call you this backing your friends! A plague on such backing say I." Upon this the noble Lord rose, like the genius in the Arabian Tales, coming forth as a flame from a bottle, and declared that he rejected the three powders which had been prescribed by his Friend, the hon. Member for Finsbury; but that he would maintain the ancient institutions of England, and not surrender an inch of it to anybody. He then certainly thought that the time was come when all the friends of the Constitution might unite in its support, and show the Irish Radicals and democrats that the sweepers of streets were not exactly the persons to govern the country. The noble Lord, however, in consequence probably of another squeeze, in twenty-four hours changed his tone. Like Mahomet's tomb, the noble Lord appeared to be suspended between heaven and earth, and at times it was difficult to know whether he was standing on his head or his heels. But no sooner did the breach between the noble Lord and his friends appear to be healed, than the hon. and learned Member for Dublin went to dine at Copenhagen or White Conduit-house, and there he threw all his Whig friends completely overboard, declaring that he was not even a Whig-Radical, but a simple Radical. The hon. and learned Gentleman seemed to speak in the Saxon language in the House of Commons, but in his native Milesian tongue at Copenhagen-house. It might be asked of the hon. and learned Gentleman—

> "——— patriis intermiscere petita
> Verba foris malis, Canusini more bilinguis?"

But, in fact, the hon. and learned Member for Dublin had a hundred tongues—one for every society into which he entered. At White Conduit-house, however, having voted for the noble Lord in the House of Commons, he denounced her Majesty's Ministers as enemies to Reform, threw them over the bridge, and declared himself a simple Radical. The noble Lord, on his part, came down at once from the eminence on which he had placed himself. The great poet of the country had divided life into seven ages; but the noble Lord proceeded at once to enact "the lean and slippered pantaloon;" and

> "His big manly voice,
> Turning again towards childish treble, piped
> And whistled in the sound."

So that it was really impossible to know at any time what the noble Lord would be in twenty-four hours. So discordant were the materials with which the noble Lord had to work, that he found it difficult to keep them together. Sometimes the noble Lord quarrelled with his materials, and then again he was reconciled to them.

Now for a word or two on the question before the House. The hon. and learned Member for Dublin had received 9,000*l.* to indemnify him for the expenses of his petition. He had previously indemnified himself to the amount of 2,000*l.*, for which sum he sold the representation of the county of Carlow. A Committee of that House, however, exculpated him from the charge of personal corruption. But now the hon. and learned Gentleman pretended to find fault with persons who had done nothing more than that which had always been the practice. The thing had been done over and over again; and he well recollected that such had been the case when he was a member of Brookes's Club. Nothing had been done more than that which it was usual to do for the prosecution of felons; and if the proposition before the House were successful, he should expect to see the table loaded with petitions from felons, complaining of the unconstitutional manner in which they were treated by illegal combinations.

Mr. *E. L. Bulwer*, in explanation, denied that he had in any way subscribed with reference to the Canterbury petition. When applied to do so, he had answered that he might be balloted as a member of the committee to take the petition into consideration, and therefore must decline any interference.

Mr. *O'Connell* said, that the argument of some of the speeches which had that night been made with a view to oppose the motion of the hon. Member for Limerick, was directly in favour of that motion. For instance, all the proceedings which had been described by the noble Lord, the Member for Derbyshire, were proceedings which ought to be taken cognizance of by the House. The noble Lord had told the House that he had been nearly the victim of a combination against him, and that, although the election was a fair one, and in his favour, he had nearly been driven from his seat. Did the noble Lord make a formal complaint to that House? If he had done so, he for one would have voted for an investigation into the subject. The case afforded another instance of the conspiracy of which himself and his friends complained. The hon. and learned Member for Exeter (and none more learned or more able, or even so able) made a long and powerful party speech, but did not meet the question before the House at all. The question was not whether the hon. Member for Waterford, or whether he (Mr. O'Connell) was wrong. Did the hon. and learned Gentleman attempt to justify the practice complained of by the hon. Member for Limerick? Not at all. What the hon. and learned Gentleman did was to quote, as an *argumentum ad hominem*, the course which he (Mr. O'Connell) had pursued on a former occasion. Now, what were the facts to which the hon. and learned Gentleman alluded? In April, when there was no petition, when there was no election, he had hinted that a protection fund at such a period as that might be desirable. He was lawyer enough to know, that if no cause was pending or in view, such a subscription might, even according to the old law of maintenance, be entered into. But did the hon. and learned Member for Exeter mean to say, that this proposition was proceeded with? Was a penny actually subscribed? He certainly wished the matter to be carried forward; but when the sitting of Parliament arrived, it was determined not to take any step until a dissolution, and the plan was abandoned—not a shilling was ever subscribed. Having disposed of that part of the subject, he would proceed to the matter immediately before the House. To whatever remark the statement might subject him, he had no hesitation in acknowledging, that he was engaged in a great national experiment. He was endeavouring to ascertain whether there was sufficient love and sympathy for Ireland in the Legislature of Great Britain to justify those who wished to preserve the connexion between the two countries. He was endeavouring to ascertain whether the sense of justice on the part of England towards Ireland was such as to induce Ireland to preserve the connexion, or whether, the feelings of England towards Ireland were so adverse and unsympathetic as to warrant Ireland to try and dissolve the connexion. He had heard the hon. Member for Limerick, who formerly was as strongly opposed as any man could possibly be to the agitation of repeal, expressing now a thorough conviction, that if such a course of proceeding towards Ireland as the present were persevered in, the Irish would not only be justified in looking for a repeal of the union, but would be bound to take the means to obtain it. "Laugh at us," exclaimed the hon. and learned Gentleman, "laugh at us if you please, sneer at us if you please, think that we are unequal to the task of righting ourselves, but remember that the history of the world does not show a period at which seven millions of individuals [*Laughter*]—aye laugh—but remember that there in no instance in the history of the world in which seven millions of people once roused to the truth by a sense of injustice have ever failed to right themselves. Ireland has eight millions of inhabitants. A million of them are opposed to us. I make you a present of that million; but I tell you that the remaining seven millions will not lack the power sooner or later of righting themselves, and of obtaining that justice which it seems the British Parliament will not yield them." Was it then that they heard for the first time of the misery of Ireland? Far from it; the history of seven hundred years afforded them nothing but a detail of oppression, of crime, of the suppression of the just rights of the people. The hon. and learned Member for Exeter, with more of ingenuity than candour, stated, that if he thought this was a Protestant subscription against the Roman Catholics of Ireland, he for one would not support it. Why, what was it? What was it put forward as? Was it not distinctly put forward as a Protestant subscription against Roman Catholics? Take the advertisement. Did it purport to be anything else than a Protestant subscription against Roman Catholics? It was entitled, "A subscription in aid of Irish election petitions;" and it then went on to say, "At a meeting held on Wednesday, August 30, 1837, at the London Coffee-house, Ludgate-hill, it was unanimously resolved, that it appears to this meeting, beyond a doubt, that several of the returns lately made to the Imperial Parliament from Ireland have been obtained by intimidation, personation, and polling the votes of disqualified and other unentitled persons." "Oh!" exclaimed the hon. and learned Member, "I am very happy to find how impartial the hon. Gentlemen are on the other side of the House. Add but the ingredient of religious persecution to the injustice thus signified, and tell the people of Ireland that it is your determination, in spite of the feelings of the great majority of them, to maintain a Protestant domination in that country, and then your work will be complete." The words of the resolution were, "That several of the returns lately made to the Imperial Parliament from Ireland have been obtained by intimidation, personation, and polling the votes of disqualified and unentitled persons." One accusation they had left out—the accusation of bribery. The malignity even of the framers of that famous petition could not throw into their accusation the charge of bribery. What was the next allegation put forward in the resolutions? He would not read the whole of them—he would confine himself only to those parts of them which supported his view. The latter part of the second resolution was expressed in these terms:—"and thus it becomes probable that the feelings and wishes of the Protestant electors of Great Britain may be overruled and set aside by the votes of ten or twelve Irish Representatives whose very title to the seats they occupy is more than questionable." This was the foundation of the subscription; this was the origin from which it flowed; this was the basis upon which it stood. The sole ground of the subscription was, that "the feelings and wishes of the Protestant electors of Great Britain might be overruled and set aside by the votes of ten or twelve Irish Representatives." The hon. and learned Member for Exeter told them that this was not a question between the Protestants of England and the Roman Catholics of Ireland. Was that the fact? Was it any thing more than a shrinking from the fact, when the hon. and learned Member for Exeter came forward and said that he, forsooth, would oppose the conspiracy if he thought it involved any question between the one religion and the other. But the resolutions did not end at the point at which he last ceased to read from them; they proceeded in these terms:—"That the vast expenditure incurred by the Protestant candidates for the city of Dublin, in the election petition of 1835-1836, renders it unreasonable to expect of them a similar sacrifice in the public cause on the present occasion." Why, I should be mocking the House if I were to read further evidence. The editor of *The Standard* is one of the conspirators. The editor of *The Standard* is one of that body which the hon. Baronet (Sir Francis Burdett) has this evening so very properly called the "gang." The editor of *The Standard* boasts of the time which he has devoted to arouse the spirit that gave rise to the subscription. The editor of *The*

Standard closes a very earnest recommendation in favour of the subscription in these words:—"We could say much more in favour of the system of which we are advocates, but in the statement we have made we feel we have said enough to British Protestants." An instance—a single instance—had been given by the hon. and learned Member for Exeter of a general subscription of this kind. But the subscription in that instance was of a very different description. It was stated right well by the noble Lord, the Member for Dorsetshire (Lord Ashley), that the present struggle was a struggle between one class and another. It was indeed a struggle of that kind—a struggle in which the English Protestant nation was called upon to put out the Representatives of the Irish Roman Catholics. That was the plain fact; and he could conceive nothing more unworthy than the shrinking from the avowal of it. He was ashamed of the hon. Members who shrunk from it. Was it not distinctly stated in every one of the newspapers which were the advocates of the Protestant party, and in every one of the subscription advertisements, that the object of those who subscribed was to defend the Protestant interest in Ireland against that of the Roman Catholics? The hon. and learned Member for Exeter was in correspondence with the committee; had they instructed him to deny that fact? The committee put forward an address, in which, after much talk about the claims of Protestant candidates and Protestant constituencies, they said, "Without an appeal to Parliament, they (the Protestants) are remediless." Oh! then they had their remedy by appealing to Parliament. What was he (Mr. O'Connell) endeavouring to show? He was endeavouring to repudiate with all the contempt that the thing itself merited—he used these expressions entirely separate from any personal disrespect to the hon. and learned Member for Exeter, which he was utterly incapable of entertaining—but he was endeavouring to show, with all the abhorrence which the thing merited, that this was an English Protestant conspiracy, put forward against the Catholic constituencies which had seventy Members for Ireland. There was not a man in the streets who would not laugh at them tomorrow if they were to pretend to tell him that that was not the object of "the subcription in aid of Irish election petitions." He had no great respect, therefore, for the manliness which shrunk from the avowal. If the object of the subscription were a good one, let it be avowed; if it were not good, let it not be prosecuted. The Irish were too shrewd to be deluded by it. They well understood the real object of the subscription. The iron of former wrongs had entered deep into their souls, but this additional crime would live in their vivid memories. He had heard from the hon. Baronet, in the strange rambling speech which he had made that evening, and which contained something of everything and a great deal of nothing—he had heard from the hon. Baronet, to be sure, that this was not a Protestant subscription, and that he had a great respect and friendship for the Roman Catholics of Ireland, and then, in two minutes afterwards, he began to talk of Popish priests. When the hon. Baronet talked of Popish priests did he forget that upwards of 1,100 Protestant priests had put their names to this subscription? What he wanted to enforce upon the House was this—that the people of Ireland had a right to consider this subscription as a Protestant conspiracy to deprive them of their rights. When he said that, did he mean to tarnish all the Protestants of England as concerned in the conspiracy? Oh! Heaven forbid! He knew how to make the distinction between those who had subscribed and those who had not. He knew the honour and integrity of the one class—he knew that amongst the other there were many who were ready to try any disputed question, not by its merits, but by the length and strength of their purses. "For my own part," continued the hon and learned Gentleman, "I have resources, I avow it, and I am proud of it. If the hon. Baronet (Sir F. Burdett) pleases, I am the paid patriot of Ireland. I stand in this unexampled position—I have sacrificed the largest professional emolument that ever man made at the bar in Ireland. I sacrificed it when, at the period that Roman Catholic Emancipation was carried, I had as fair a prospect as any other of the ermine and dignity of the bench, provided I abandoned politics for ever. Because I forgot my ease and gave up my prospect of the dignity of the bench, am I therefore to be villified and abused by every old renegade? A single offence—nobody knew it better than the hon. and learned Member for Exeter—a single offence—a single act might not perhaps be regarded as illegal; but when that act was extended over a greater surface, and made to assume the shape of a combination to perpetrate a serious injury against any man or any body of men, the parties so combining were guilty of a crime; and he pitied the man who, in the Court of Queen's Bench, would attempt to say that there was not sufficient evidence of maintenance and conspiracy to go to a jury upon this subject. The hon. Baronet had referred to the history of his younger days; but, alluding to the glory of his youth, he seemed now to address them in the spirit if not in the words of the ballad—

> "Pity the sorrows of a poor old man."

The hon. Baronet said, "I see nothing at all inconsistent or improper in contributing to the expense of a prosecution, and afterwards being one of the judges in the case; nothing unconstitutional in a man's becoming both prosecutor and judge in the same cause." There were phrases in human life which showed man in so lamentable a condition as to render the sight pitiable—almost disgusting. He should not have alluded to the hon. Baronet's early life if he had not introduced the subject himself. What was the case to which the hon. Baronet had referred? It was a case in which the hon. Baronet had been returned by four hundred fictitious votes—a case in which the sheriffs who polled these votes were sent to Newgate. And what was the subscription in that case? A subscription only of the electors—of men directly interested in the election; and the defence was that they were electors, persons directly interested in developing the frauds committed by the hon. Baronet's friends. That was the case in which the hon. Baronet said there could not be two opinions upon the subject as to whether it were a breach of privilege or not. That there should not be two opinions between any two men upon the subject was not improbable: but the astonishing part of the affair was that the two opinions should exist in one and the same person. The hon. Baronet had talked much of Roman Catholic priests having taken a prominent part in the Irish elections. He wanted to know whether the Protestant clergy had not taken a prominent part in the elections in England. Then the hon. Baronet spoke of religious assemblies in Ireland; but had he never heard of a wooden bible with a gilt crown upon it being exhibited in the dickey of a stage coach. Did not the hon. Baronet know that that was not a real bible, but the imitation of a bible, composed of the cheapest timber, of nothing more valuable, than a piece of Canada fir. The hon. Baronet took great credit to himself for his high-mindedness. "Yesterday," said he, "I walked out of the House, I felt too much delicacy upon the subject—I would not vote." The hon. Baronet when he said that, thought no doubt, to obtain great credit for his nice delicacy and infinite prudence; but he ought to recollect that he was bound by "a pair" not to vote at all. The hon. Baronet had given a sad description of Ireland—he said that nothing in the world resembled what occurred in Ireland. No doubt strange things had happened there. He remembered once reading the report of a speech made by somebody about the year 1802. In that report it was stated, "The hon. Baronet took a hasty view of the conduct of the administration with respect to Ireland. The enormities and cruelties committed in the sister kingdom exceeded anything done by Nero or Caligula." Who was it said this? A baronet of the name of Jones, but whose Christian name was Francis Burdett. Such was the statement made by Sir Francis Burdett Jones, with respect to the conduct of the then existing administration toward Ireland. But he did something of that kind more than once. In the same year, speaking again of the conduct of the administration in the Government of Ireland, he said "Recourse, therefore, was had to the disunion of the sects." He implored some of the hon. Baronet's very loud cheerers on the other side of the House just to attend to this former opinion of his respecting the origin of their favourite institution: "Recourse, therefore, was had to the disunion of the sects, and the papering and racking system was adopted, which expelled from their habitations thousands of families by a process the most atrocious. A paper was posted against the doors of the cottages of the Catholics, commanding the inhabitants to quit in five or ten days, and to proceed to the province of Connaught or they should be sent to hell; and this was the revival, after a century, of that faction known under the name of Orangemen. These mandates not being at first complied with, the fanatics who had issued them repaired to the houses of the unfortunate Catholics, ousted the whole family, and racked and set on fire to the miserable hovel and its contents. Such transactions could not fail to attract notice. Many of the authors of them were committed to prison; and his Majesty's Attorney-General was sent to the theatre where these tragedies had been acted to prosecute the offenders, who were all acquitted, except one, and he was pardoned" And then a little further on in the same speech the hon. Baronet said, "When I reflect upon the enormities which have been committed in that country, I really feel ashamed of my species, ashamed of being a man" (he had no occasion to be longer ashamed of that); "but when I consider (he continued) that they have been supported by English power I feel ashamed of my country—when I recollect that a British minister in a British House of Commons has dared to vindicate the use of the torture which even the inquisition has at length through shame abandoned, the last of infamies seems to be an Englishman." For what? For the conduct of England towards Ireland. How did the hon. Baronet seek to amend that conduct now? Who were now his cheerers and applauders? The Members of that very faction who committed all these enormities—all these cruelties upon Ireland, were they not the same party? Did they not still hold their exclusive meetings? Did they not still assemble at their dinners? If there were any difference it was only this, that the party now went even beyond what it did formerly. Yes, the party which the hon. Baronet now takes up is that very party which some years ago he reviled as the perpetrators of so many enormities in Ireland. The man who now came forward to traduce Ireland, and to join in a conspiracy against the Irish Members, was that very man who, in 1802, made the famous speech from which he had quoted. Was it not as evident as the sun at noon-day that no man expected a fair decision from the Committees of that House? Ask him for his opinion, and he would give it. Wait till the first committee were struck; and if they did not hear the counsel on both sides, and every member of the Committee tell them beforehand what the decision would be, he (Mr. O'Connell) would never again venture in the field of prophecy. He had heard it stated that Members on both sides of the House perjured themselves in Committee. The hon. Member for Ripon had said, that that was a libel; but he did not say that it was untrue. If there were not some strong motive, why did Members throng the House when committees upon election petitions were to be balloted? Why did they come there but to watch each other, and to see that they did not place themselves in the scandalous position of being ready to sell their consciences? In aid of this, came this subscription, aimed exclusively at the Representatives of theapeople of Ireland—aimed exclusively against the Catholic party, in order to bring them before a partial tribunal. The people of Ireland understand it. You have been attempting for these 300 years to Protestantise Ireland, what progress have you made? You say, that the Protestant religion is the best. If it be, and has most argument in its favour, what prevents you from propagating your system? What has this, your Protestantism, done for the people of Ireland? Why, it gives a sanction to every injustice towards the people. We must not have the political franchise—we must not have political rights—we must not have municipal institutions — and why? Because these things may shake your Protestantism to its foundation. Oh, shame upon such Protestantism!—a Protestantism whose efficacy is placed upon mayors and corporations. And more shame upon the present system of the Committees of this House, in which men, under the sanction of their oaths, are able to abet the efforts of a faction against the Representatives of the people, aided by the Spottiswoode conspiracy—without whose aid it is possible they might have escaped from the infliction of a party committee—which is your only chance of succeeding. It is thus you wish to give encouragement to Protestantism? If you will take the trouble to read the Report of the Committee on the petition from the city of Dublin, which Committee lasted eighty-six days—and I have no reason to applaud that Committee, but I won't censure them here—you will see that they refused to open the registry, and the present petition attempts to open the registry. Why, it will require the entire amount of the subscription to maintain the case against the city of Dublin alone. No doubt there will be another call made, and no doubt the hon. Baronet will give a second subscription. When we recollect the object for which that subscription is intended, and when you refuse a committee to give us the opportunity of knowing how many among yourselves have contributed, is it possible that an impartial tribunal can be obtained? I have looked over the list of subscriptions, and found at least ninety or 100 anonymous subscribers. Now, I should be glad to find who they are, and yet you refuse a Committee to inquire into this. How can I hope for a Committee, when it is declared that the Government will not support me? Will you insist on a division? Give me a Committee, and let me get out the facts of the cost of the Dublin Election Committee and of the present subscription. What did Mr. West and Mr. Hamilton pay towards the expense of the last election Committee? Mr. Hamilton told me that he did not pay anything, and Mr. West said, that he paid but little. The funds came from elsewhere. I am exceedingly glad the hon. Baronet has taken his seat where he now is. He was long enough on the side of the people without belonging to them, or sympathising with them. He talked a good deal about bringing home justice to me, by visiting me with the criminal law; but the criminal law has never applied to me, although the hon. Baronet has himself had the advantage of suffering under it. He has talked about the warmth and indiscretion of his youth, but I believe he was older than I am at present, when he pretended to be the advocate of the people. His repentance has been exceedingly late. Now, I call upon the House to look at the subscription as it really is. Is it not, in fact, constituting those who are to be the judges of the question to be also the prosecutors? I care not what the pecuniary interest is; but can anything be more improper than that the party prosecuting the petition should be the judge to decide upon it? Sir, the people of Ireland understand the whole question. They know that these petitions are against their Representatives that it is an additional insult offered to them—an additional insult intended to them—they know that the object of this conspiracy is to afford the means of obtaining, through the instrumentality of the oaths of Members of this House, a decision which is to make the Tory party triumphant, and the people of Ireland their victims.

Mr. *D'Israeli* rose and said, that he trusted the House would extend to him that gracious indulgence which was usually allowed to one who solicited its attention for the first time. He had, however, had sufficient experience of the critical spirit which pervaded the House, to know and to feel how much he stood in need of that indulgence—an indulgence of which he would prove himself to be not unworthy, by promising not to abuse it. The hon. and learned Member for Dublin had taunted the hon. Baronet, the Member for North Wiltshire, with having uttered a long, rambling, wandering, jumbling speech. Now, he must say,—and he could assure the hon. and learned Gentleman, that he had paid the utmost attention to the remarks which flowed from him,—that it seemed to him that the hon. and learned Gentleman had taken a hint from the hon. Baronet in the oration which the hon. and learned Gentleman had just addressed to the House. There was scarcely a single subject connected with Ireland which the hon. and learned Member had not introduced into his rhetorical medley. The hon. and learned Member for Dublin had also taunted the hon. and learned Member for Exeter with travelling out of the record of the present debate, while he himself had travelled back 700 years, though the House was engaged in the discussion of events which had taken place within the last few months. The hon. and learned Member had favoured the House with an allusion to Poor-laws for Ireland. [" *No, no.*"] Perhaps he was wrong; but at all events, there had been an allusion to the Irish Corporation Bill. He did not pretend that he could accurately remember all the topics the hon. and learned Member had introduced into his speech; but, if no reference had been made by the hon. and learned Gentleman to the subject of Irish poor laws, at least there had been a dissertation upon the measure relating to the municipal corporations of Ireland. Was that subject relative to the debate before the House? He would not allude (for he would spare the feelings of the hon. and learned Member in that respect) to the subscriptions which the hon. and learned Member had told the House had not been successful on his side; but that circumstance might account for the bitterness with which he spoke of the successful efforts of the much-vilified Mr. Spottiswoode. He had indeed been much inclined to ask the hon. Member for Limerick (Mr. O'Brien,) if he had attended the meeting, at which it had been expected that every liberal member would subscribe *50l.* to the protection fund. He had thought that perhaps the hon. Member could have given some curious information upon that subject; that though there might have been 3,000*l.* or 2,950*l.* to begin there was now nothing in the Exchequer, and that this project of majestic mendicancy had now wholly vanished. The hon. and learned Member for Dublin had announced that the Spottiswoode subscription was a Protestant subscription. That it was supported by many Protestants nobody could attempt to deny, but if the hon. and learned Member meant to say that it was a subscription established for the particular object of supporting a Protestant faction against the Catholic people, he begged to remark that he saw nothing at all to justify that supposition. It might be a Protestant, but it was essentially a defensive, fund. The hon. and learned Member for Dublin had talked of the clergymen of the Church of England subscribing to this fund, and had contrasted their conduct with that of the priests of his Church; but he defied the hon. and learned Member to produce a single instance of tyrannical interference on the part of the Protestant clergy at all similar, or in the least degree analogous, to those acts which were imputed to the clergy of the Catholic church. If the hon. and learned Member doubted what he was saying, let him refer to the volume of evidence taken before the Intimidation Committee, and the hon. Member would see that from Cornwall to Yorkshire no case had occurred that bore a comparison to the occurrences in Ireland, and that he was fully justified in the statements he made. The object of the subscription entered into was to procure justice for the Protestant constituencies and the Protestant proprietors of Ireland, those constituencies and those proprietors being unable to obtain justice single-handed. Hon. Members knew very well that a landlord in Ireland had been told by his tenants that they could not vote for him because their priest had denounced him from the altar. They knew very well that when it was attempted to reinforce the strength of the Protestant constituency in the registration courts, some revising or assistant barrister from the castle of Dublin was easily found to baffle it, and thus were they forced on to their last resource and refuge — to a Committee of that House. Now, was this a petition which had the downfall of the Catholics for its object? For his part, he thought that the facts which had been brought before the notice of the Intimidation Committee perfectly justified the use of the epithets which had been employed in the original circular or manifesto of Mr. Spottiswoode. He should not trouble the House at any length. He did not affect to be insensible to the difficulty of his position, and he should be very glad to receive indulgence even from the hon. Members opposite. If, however, hon. Gentlemen did not wish to hear him, he would sit down without a murmur. He should confine himself to an attempt to bring back the subject to the point which was really at issue. He could not comprehend why a considerable body of her Majesty's subjects, respectable not only for their numbers, but for their independence and integrity, should be held up to scorn and odium by the hon. and learned Member for Dublin, for the commission of an act, the legality of which he had not presumed to question, of the propriety of which they were as competent judges as that hon. and learned Member, and of which, after what he had himself confessed the hon. and learned Member ought to be the last to question the delicacy. He had examined the list of contributors as well as the hon. and learned Member for Dublin, and with a more than ordinary degree of interest, arising from the fact that the town which he represented had contributed a larger proportion of the fund than any other part of England, and he did not find that the subscribers principally consisted of Members of the aristocracy. With very few exceptions, they were to be found among the middle classes—men of moderate opinions and of a temperate tone of mind—men, in fact, who seldom stepped out of the sphere of there private virtues — men, as hon. Gentlemen who had examined these lists must know, who seldom partook of the excitement created by the conflict of parties, and were rarely inflamed by the passions which agitated the political world. He must say that he thought it a very strange thing that so large a body of individuals, many of whom were constitutional Reformers, many of whom, until very lately, supported her Majesty's Government—he must repeat, that he considered that it would be very hard, very unjust, very impolitic to appoint a Committee of inquiry, which would be equivalent to a verdict against those individuals, without first inquiring what were the feelings which induced them to pursue the line of conduct which they had adopted. He would remind the House that those individuals, many of whom supported the Reform Bill, might have entertained hopes in reference to the working of that measure which, like the hopes cherished by some hon. Gentlemen opposite, might have been disappointed. They might have entertained an expectation that nomination would be at an end, that the stain of boroughmongering would be wiped out, and that not a remnant of the system would remain in a reformed Parliament. But when they found that the stain of boroughmongering assumed a deeper and a darker hue, that seats were openly bought and sold, and that a system of intimidation was organised, to which the riots which even under the old system exhibit the more flagrant features of electoral operations, were peaceable—when they found that this was the case, they perhaps thought that it was time to bring matters to a head. He had but one more observation to make, and he confessed he was rather anxious to make that observation, as it would give him the first opportunity which had been afforded him of saying something with respect to her Majesty's Government. He wished he could induce the House to give him five minutes. It was not much. He stood there to-night not formally, but in some degree virtually, as the Representative of a considerable number of Members of Parliament. [*Laughter.*] Now, why smile? Why envy him? Why not let him enjoy that reflection, if only for one night? Did they forget that band of 158 new Members, that ingenuous and inexperienced band, to whose unsophisticated minds the right hon. the Chancellor of the Exchequer addressed himself early in the Session in those dulcet tones of winning pathos which had proved so effective? He knew that considerable misconception existed in the minds of many of that class of Members on the opposition side of the House in reference to the conduct of her Majesty's Government with respect to elections. He would not taunt the noble Lord opposite with the opinions which were avowed by his immediate followers, but certain views were entertained and certain calculations were made with respect to those elections about the time when the bell of our cathedral announced the death of our monarch. We had all then heard of the projects said to be entertained by the Government, and a little accurate information on the subject would be very acceptable, particularly to the new Members on the opposition side of the House. We had been told that re-action was a discovery that only awoke derision, that the grave of Toryism was dug, and that the funeral obsequies of Toryism might be celebrated without any fear of its resuscitation, that the much vilified Peel Parliament was blown to the winds, when Mr. Hudson rushed into the chambers of the Vatican. He did not impute those sanguine views to the noble Lord himself, for he had subsequently favoured the public with a manifesto, from which it would appear that Toryism could not be so easily defeated. It was, however, vaunted that there would be a majority of one hundred, which upon great occasions might be expanded to 125 or 130. That was the question. They wished to know the simple fact whether, with that majority in the distance, they then thought of an alteration in the Grenville Act, and whether it was then supposed that impartial tribunals might be obtained for the trial of election petitions. [*Renewed murmurs.*] If hon. Gentlemen thought this fair, he would submit. He would not do so to others that was all. [*Laughter.*] Nothing was so easy as to laugh. He wished before he sat down to show the House clearly their position. When they remembered, that in spite of the support of the hon. and learned Member for Dublin and his well-disciplined band of patriots, there was a little shyness exhibited by former supporters of her Majesty's Government. When they recollected the "new loves" and the "old loves" in which so much of passion and recrimination was mixed up between the noble Tityrus of the Treasury bench and the learned Daphne of Liskeard —[*loud laughter*], notwithstanding the *amantium ira* had resulted, as he had always expected, in the *amoris integratio* [*renewed laughter*]—notwithstanding that political duel had been fought, in which more than one shot was interchanged, but in which recourse was had to the secure arbitrament of blank cartridges [*laughter*]—notwithstanding emancipated Ireland and enslaved England, the noble Lord might wave in one hand the keys of St. Peter, and in the other—[the shouts that followed drowned the conclusion of the sentence.] "Let them see the philosophical prejudice of man." He would certainly gladly hear a cheer even though it came from the lips of a political opponent. He was not at all surprised at the reception which he had experienced. He had begun several times many things, and he had often succeeded at last. He would sit down now, but the time would come when they would hear him. [The impatience of the House would not allow the hon. Member to finish his speech, and during the greater part of the time the hon. Member was on his legs, he was so much interrupted that it was impossible to hear what the hon. Member said.]

Lord *Stanley* said, in the observations which he was about to make he would strictly confine himself to the question at issue, not that he would say that he might not find it necessary to refer to precedents and examples set on former occasions, but he begged to be understood as not intending to refer to them by way of crimination, but merely as bearing upon the impartial, honourable, and practical consideration of the question which was fairly brought to issue. He was aware how difficult it was at that hour to command the attention of the House. Before, however, he entered upon the question itself, he begged to state, that he had had no communication, direct or indirect, further than by receiving a printed prospectus, with the association whose proceedings were called in question this night. He would add, that he was not acquainted with the name of any one of its members, except that of the hon. Baronet the Member for North Wilts, and that, as far as he knew, he numbered no one subscriber among his personal friends. He would go further, and say that he had watched with very great regret—and he had made that regret known on more occasions than one, the growing disposition, arising, perhaps out of the strong feeling which impelled two great political parties, nearly equally balanced to carry on every thing in the country relating to election affairs through the means of associations on the one side or the other. He felt it on both sides to be an evil, if possible, to be guarded against. He felt that from their influence much weight which was possessed before this state of things existed by individuals was impaired—he felt that men who were the most responsible and most trustworthy, and in every way the most fitted to represent the country in Parliament, were passed over, unless they could command a great weight of interest in the political association to which they might belong. Therefore in the observations which he was about to make, he hoped he should not be charged with any partiality for this association or for any one individual connected with it, if he declared his conscientious opinion that this motion for a Select Committee was one which in his humble judgment the House could not enter upon. When he said that he objected to the formation of these associations, he said enough. He objected to them upon principle, but he looked upon their existence as an inevitable evil. He felt that the sense which each party felt of the advantages derived from combination for political purposes was so strong that these associations being within the law, when one party combined for one purpose, the opposite side would combine for another. He was not going to ask where the blame or the responsibility rested of having first introduced and fostered these bodies, but there was no doubt that so long as they were carried on blamelessly, the operation of them would be extended to every branch of our electoral system, from the period of registration to the prosecution of a petition before a Committee of the House of Commons. He would remark that a reason had been given in the course of the debate by an hon. Member for not agreeing to this motion, which, if there were no other, was sufficient to defeat it. The Attorney-General, the Queen's Attorney-General, had given it as his legal opinion [the *Attorney-General:* Lord Rosslyn's opinion]. It was not a judgment of Lord Rosslyn to which the Attorney-General referred, but only an *obiter dictum.* He did not mean to say that the Attorney-General did not support his argument by references to the opinions of others, but when he had stated that the Attorney-General had given an opinion, he meant that he rested on his knowledge of the law as he had laid it down. Having, then, that knowledge of the law, the Attorney-General stated, in the presence of the people of England, that the Spottiswoode association was illegal, and that it was open to legal punishment. The remedy was then direct, plain, palpable, and immediate. The Attorney-General would not do his duty if he did not prosecute the members of that association. What, should the Queen's Attorney-General, who told the House that the course pursued by the association was mischievous and illegal, when the facts were undisputed, when the illegality was manifest, when the association was violating and interfering with the most important rights of the Queen's subjects—should he content himself with saying, "This association is illegal and mischievous—I am positive in my law—I have the courts with me—I am the Queen's Attorney-General, and I leave these offences against the people unprosecuted?" Was he to be bearded in the House itself by one of the members of that association, declaring openly his connection with it, and offering himself voluntarily for prosecution—was this to take place, and the hon. and learned Gentleman still to state it was illegal—to say that he would have the courts and the juries with him if he brought it to punishment—and yet, withal, to leave the people of this country unprotected, and that obnoxious and lawless association unprosecuted? He could not help thinking that her Majesty's Attorney-General had a lurking suspicion that the case of the Duke of Portland was not a tenable one nor a fair precedent for the case in point, that the case of the King and Dolby was not much better; and that if he proceeded in a prosecution on those precedents he would get anything but a verdict. The hon. and learned Gentleman might act with great prudence and much sound discretion in abstaining from a prosecution of the association so strongly denounced by him; but he could not altogether acquit him of rashness in so boldly pronouncing it illegal. The hon. and learned Attorney-General had ransacked all the old stores of black letter law for precedents in support of his doctrine of "maintenance," but the hon. and learned Gentleman knew very well that it was an obsolete doctrine. [*No!*] Well, then, it was not obsolete but active, and in full force, according to the hon. and learned Gentleman, and if it was so why did he not bring the matter at once to an issue? He felt called on to say that, though no party to the subscription in question, he, in common with several other hon. Members in that House, especially with many whom he saw opposite—should plead guilty to having, on more than one occasion, contributed to funds raised for election purposes. He had contributed in 1831 and 1832 to a very large subscription—not for carrying on one election, not for securing a return favourable to the Government for one place, but for supporting all those candidates in towns and counties, in every part of the country, who came forward under those circumstances, and who would be ready to stand by them in carrying through the great question of Parliamentary Reform. And, in doing so, in conjunction with the great majority of her Majesty's present Ministers, who were in office at the time, he did what he deemed right. The funds thus collected were placed in the hands of the hon. Member for Coventry, then Secretary to the Treasury, to be applied at his discretion, according to the exigency which might arise, in favour and support of individual candidates. It was well known that such a fund had then existed, for it had been a matter of Parliamentary inquiry. But the only question raised on it was, not whether it was legal or illegal; but whether the hon. Member for Coventry had paid away, as Secretary of the Treasury, the public money, which would have been a crime of the deepest dye, or whether the funds he had thus appropriated were derived solely from private sources? That question, however, being disposed of in favour of the hon. Member, there was not a man on the other side of the House who dreamed of taking any further proceedings against the parties subscribing to the fund so appropriated. He, freely and openly, avowed himself one of the parties to that transaction, and, being so, as a man of honour, as a man of right feeling, as a man of common sense, he could not think of casting a stigma on the proceedings of others which bore such a similarity to it, as did the one in question. It was not his intention to go again over topics which were urged in the able and eloquent speech of the hon. and learned Member for Exeter, but it was only justice to it to say, that it had produced very astonishing effects upon several hon. Members opposite. A series of confessions from every hon. Gentleman who had spoken on the other side of the House in the course of the debate had been the result. The noble Lord, the Member for North Devon, admitted that he had certainly contributed to the expenses of an election in which he was no party; but then he extenuated, or rather excused, the act, on the ground of private friendship between him and the candidates. The hon. Member for Bridport came next, with his acknowledgment, and said, that as member of a committee for the Dorsetshire election, sitting in London, he had obtained as much as possible from the Reformers of England, not alone for the purpose of carrying on the election, but also of defending the petition, if any were sent forward against the return. The House had heard much of the hardships of hon. Members for Ireland struggling against a fund raised for the purpose of contesting their seats, and the injustice to which they were thereby subjected; but the whole of the weight and influence of the hon. Member for Bridport and of his party were thrown into the scale against his noble Friend, the Member for Dorsetshire, with the view to crush him; and yet that was not included in the complaint of hardship and injustice. The hon. and learned Member for Dublin had made a very ingenious use of the speech of his noble Friend, the Member for Dorsetshire, by asking whether anything could more strongly illustrate the evils of the case in question than the examples adduced by him on that occasion. But what were the evils so much deprecated? They amounted to this, that a moneyed individual had the power of putting a political opponent less wealthy, but more popular, out of the field, by the great expense he would necessarily be at in defending his election. And yet hon. Members, who declaimed against this state of things forbad in the same breath any contributions towards the assistance of the poorer of the two candidates. What would be the consequences? The consequence would be, that the poor man should be protected against the rich man—oh, no! no such thing; the consequences would be, that the poor man would be overwhelmed by the weight of the rich man's purse, while the rich man would be permitted to pass with impunity. It was not, therefore, of combination that hon. Members should complain, but of the expense of the tribunal to which their case had to be referred for adjudication. And he would add, that if contributions for the purpose of carrying on elections and defending petitions against contested returns were to be prohibited, much greater injury and injustice might be done than any good which could possibly accrue from a contrary proceeding would ever compensate for. The hon. Member for Dublin had, in his observations on the subject of contribution, taken a new distinction; and by the way, it was curious that every hon. Member who spoke on the subject during the night, had taken each a separate distinction. One had contributed through feelings of private friendship; while another had given his money because he lived in a neighbouring county, and had an extensive acquaintance with the place of election. But the distinction of the hon. Member for Bridport, was the most curious of all; for his interference arose, according to his own statement, from the circumstance of Bridport being the principal town in the reform interest in the county of Dorset. Another hon. Gentleman said, that he subscribed to a great many cases, to a general fund, in fact, to be used all over England, as it had been raised there; but that the hon. Gentleman would not admit to be a precedent, because, as he said, it was only for the purpose of carrying on elections, and not for defending petitions. The doctrine of that hon. Member was as singular as it was unwise. He admitted, that it was right and lawful to subscribe to a fund for the purpose of seating a Member; but, if that seat were threatened to be taken from him, however fraudently, however grossly, however unjustly, there should be no assistance given him. Could any one, in his senses, draw such a distinction, in the hope of its being sanctioned by others or adopted by his party? It was of so nice a nature, so fine, so flimsy, in short, that it escaped his obtuse capacity. But the hon. and learned Member for Dublin had said in his distinction—on the proposition of his contribution for election purposes—"Oh, I know something of the law of maintenance—at all events, I know that there is such a law, and I shall avoid it." So accordingly, the hon, and learned Gentleman, at a period when no election petitions were pending—at a period when, on his own showing, there existed no excitement on election subjects, attempted to procure, by a proposition at the association in Ireland of which he was the head, a general fund, to be applicable to all parts of Ireland for election purposes. That fund was to be administered by the National Association—not for the purposes of elections, but of petitions—that was the professed object. Such petitions were to be consequent upon the elections, which were to be consequent upon the contingent death of the Sovereign, who was then alive and in being. The noble Lord (Lord J. Russell) on the other side of the House had last night deprecated the monstrous doctrine of interference with petitions, the nature of which could not by possibility be known, in a manner most elevated, and in a tone rising almost to sublimity, and the hon. and learned Member for Dublin was most vehement in his denunciation of those hon. Members who contributed to the funds for defending or opposing contested returns; but the noble Lord and the hon. and learned Gentleman should have rather taken the more magnanimous, the more generous course, notwithstanding that they too had followed the same path, and refrained from pretending to condemn in others what they had equally practised themselves. But the hon. and learned Member for Dublin was not so easily to be caught. His cunning as a lawyer served him in good stead on that occasion, according to his own statement. He was lawyer enough, he said, to know it might be illegal to anticipate the result of election petitions, but as there was then no petition pending there was no illegality in subscribing for those that were to ensue. The hon. and learned Member accordingly organized his association for the same purpose as that complained of by the hon. Member for Limerick, but the result, as he had stated was a disappointment. The "Spottiswoode" conspiracy, however, had some reason to be obliged to the hon. and learned Gentleman for the opinion he had given—if it was law. By that rule, as there was now no election in progress or in expectance, they might set on foot at once a subscription to fill the first vacant place with one of their own party; and they might do so in direct defiance of the Attorney-General's opinion likewise, as contradistinguished from that of the hon. and learned Gentleman. But was the hon. and learned Member for Dublin quite free from imputation in regard to election petitions? Was he the person who should raise his hand first against those who interfered with them? He suspected not, and he should tell the House why he had such a suspicion. He held in his hand the speech which the hon. and learned Member made on the occasion referred to by himself, at a period at which no election petitions were pending in the House of Commons; and he should, with the permission of the House, read a passage or two from it. He would, however, remark, in passing, that so far from the hon. and learned Member's statement that there was no election petitions then pending, being borne out by the fact, there were actually two before the House at the time. He would beg to call the attention of the House to the words of the hon. and learned Gentleman on that occasion—he who had such a holy horror of any one coming into Parliament with the slightest bias on his mind in regard to the merits of election petitions. They were spoken on proposing the formation of a fund for the purpose of defending and prosecuting election petitions generally in Ireland. "Early next week," said the hon. and learned Member, "the Committees of the Longford and Carlow elections will be ballotted for, and it is indispensably necessary for all Irish Members to be present. In the county of Longford we have gained the greatest popular triumph which has been gained for years, and no doubt the Tory Members will muster strong to deprive us of the victory which we have so well earned. From this spot, then," (the hon. and learned Member spoke in the National Association) "from this spot I pronounce any Irish Member who shall absent himself on that occasion, whatever may be the cause of that absence—from this spot I pronounce him guilty of a breach of duty to his country and his constituents. It is a subject which cannot be postponed—it is one which admits of no pairing-off—no absence of any kind; and if by this culpable negligence we lose the services of even one man I say from this spot that no political punishment can be too great for him." He quoted an extract from the hon. and learned Member's speech, not alone to demonstrate the delicacy which actuated him in the course he had taken on the subject before the House, but also to show that these passages occurred in the very same speech in which he proposed the anti-petition fund, on the ground, as he alleged, that no election petitions were pending at the period in question. He would next deal with the objection that the fund of the Spottiswoode Association was an Irish fund, appropriated exclusively to Irish purposes. In the first place he would bid the hon. Member for Limerick be at ease; because the discussion had a decided influence to that effect on his complaints. For, whereas the special ground on which that hon. Member moved that his petition be referred to a Select Committee, was the individual injury done or contemplated to be done to his own election, he had it now on the authority of the secretary to that association that up to the moment of his moving the matter in the House they had never heard of any petition against his return; that no application had been made to them on the subject of the hon. Member's election; and that they had consequently come to no resolution respecting it. And the hon. Gentleman would find that the petition against him which he complained of was a legitimate and perfectly correct one, presented on the part of electors who believed themselves not to be represented by him; but that Mr. Stafford O'Brien, a gentleman of good property in the county, who was the next on the poll to the hon. Gentleman, was their real representative, and that he would, by means of that petition, be shortly in that capacity in the House of Commons. But to prove that the fund was not purely Irish, as it had been pretended, the House had the evidence of the hon. Member for Shaftesbury. That hon. Member had stated that not only did its operation extend to every part of England; but that he was himself the victim of that atrocious conspiracy. But even supposing that the fund were exclusively for Irish purposes—and he for the sake of the argument would admit it—to what purpose was the fund proposed by the hon. and learned Member for Dublin in the National Association to be applied? Was it to English elections? Was it to petitions from this country? No. It was solely for Irish purposes. And when? Full two months before the fund under consideration was commenced or promoted. The hon. and learned Gentleman would not surely contend that it was illegal to do that in England for Ireland which was done in Ireland for the same purpose, nor that the English people had no direct interest in the result of the Irish elections. They were well aware that the returns from that country—he wished to say nothing hurtful or unpleasant to any one—exercised in many instances a most baneful influence on the politics of England; and it, therefore, became a matter of the highest import—not alone to "Dowagers and young ladies," as had been said by an hon. Member in the course of the night—but to every man who had a stake in the kingdom that the returns from that portion of the Empire should be genuine and true returns, and not the product of force or fraud. And if it should appear that there were anomalies in the law of Ireland, as regarded registration and elections, and if circumstances existed in that country which rendered the operation of that law, imperfect as it was, still more difficult and imperfect, circumstances which made it totally different from England, was it at all wonderful or extraordinary, or out of the common course of things, that this Association, looking at all these circumstances, should apply their subscription to that part of the kingdom where they saw they were most wanted, and where they felt that they would be most available. In that country, for a long time, an association only very recently dissolved had been collecting week after week, a "justice rent" for Ireland; to be applied to purposes the public knew not of—to obtain ends which came not within the knowledge of the people of England. It was not known how many hon. Members might be indebted to that fund for their seats in that House. [*Name, name, name.*] That cry must come from an Irishman, for it conveys a most palpable bull. He had said, it was not known how many hon. Members owed their seats in the House to that fund, when the hon. Member, whoever he was, cried "Name"—as if he had alluded to an individual. But to return to his subject. The secrecy of that fund—the justice rent—was its most dangerous feature; and that in itself, if there were no others, was a justification quite sufficient in his mind for the application of a counter fund to the same quarter. The House had been told that the question was a religious one; and that its operation would be to kindle again into a burning and consuming flame all those feelings of sectarian animosity, hatred, and intolerance which every man should deprecate, and which none did more deprecate than he. He regretted, that in the prospectus of the association the word Protestant should have been used at all. He regretted it because it was not necessary, and because it might be injurious. But it could not now be changed. He regretted, but could not alter it—he regretted, but could not blame it. But when it was stated to be a Protestant conspiracy against Catholics, the fact he was bound to say totally disproved the allegation; for on looking at the petition from Ireland he found that fifteen out of the seventeen already presented were against Protestant Gentlemen, and moreover that two of these came from Catholic constituencies. But if it were meant to be said that these subscriptions were so far entered into on Protestant grounds, as to provide means for increasing the political strength, by legitimate means, of those who desire o defend the Protestant institutions of the empire against the machinations of persons whom they believe to be desirous of overturning them, and that, in that sense, and with that intention, the funds of the association were applied exclusively or chiefly to that portion of the empire where Protestant institutions stood most in need of support, then he would boldly assert that the application of the term "Protestant" could convey neither rebuke nor reproach. He trusted that if he had trespassed for some time upon the attention of the House, he had redeemed his pledge by adhering closely to the question. He cautioned the House, that if this matter were illegal, it should be tried by the courts of law. If it were not illegal, let them beware how, by a resolution of that House, or by proceedings in Committee, or by interposing more or less firmly the authority of that House, they put themselves in the position of passing on the legal acts of their fellow-subjects a denunciation of the British House of Commons, indecent in the first place, and in the next place impotent. And if it were their intention to proceed further and in earnest with this matter, and to legislate seriously upon it, let them consider for a moment at what point it was possible to fix legality or illegality in cases of this description. Let them consider well whether they would limit it to general subscriptions, in cases of elections as well as of petitions, or to a single election or single petition; and, finally, whether so confining it, persons not possessing a local interest in the place from which the petition was forwarded should be restricted from subscribing; whether, in short, they would lay down as law the declaration of the learned Attorney-General, that in the election of Members to seats in the Commons House of Parliament, the people of England, Scotland, and Ireland do not legally possess a common and general interest. He implored of them to think, before they condemned impoliticly, unwisely, nay more, unjustly, what it had not been proved that the constitution did not sanction. He called on them boldly to try the general question of the guilt or innocence of these parties, and try it by the tests which reason and experience supplied; and in the mean time he trusted he might be permitted to express a hope, that the Government would not shrink from the duty which belonged to it, of introducing, if they thought it necessary, a fixed and definite law upon this subject, to correct such abuses as were known and definite.

Mr. *Harvey* stood there as belonging to neither party; and he could see no distinction between returns for any place in England or in Ireland; there was no distinction whether the return was for an English county or an Irish county, for a Scotch city or an Irish borough: all were in the British empire, and he repudiated any suggestion that he was not interested in them—that he felt no interest in the subject of Irish elections, because he did not represent a city in that part of the empire. How frequently did the House hear of Irish Members marching up at some auspicious moment, and that but for their patriotic aid, English freedom would have been lost. He denied the allegation, and the feelings of every Member of the House should be the same, for whatever place he might be returned. But was it not clear that the expenses of elections were enormous, and the expenses of inquiring into the merits of them before Committees were generally so? Were not these concessions, made reluctantly, sufficient to justify an inquiry by what means hereafter the matter might be altered? And it was with this object that he presented himself. He did not hesitate in saying, from his personal experience, that no tribunal could be compared in unjust proceedings and irresponsibility of character to Committees of the House but one. In 1830 a petition was presented against him on the ground of his not having a qualification, although no doubt existed whatever of the sufficiency of his property. He sat on his return to the House; but a petition having been presented against him, he was about to enter the Committee-room when the inquiry was about to take place, when he was called aside by the King's counsel who was engaged against him, and he said that he was instructed to make a proposition to him as a condition on which the petition should be withdrawn. He inquired what was the nature of the proposition, and he was informed that it was that he should forego proceedings which he had commenced against the corporation of Colchester, and which he had instituted in the Court of King's Bench. His answer was, "I defy you to assail my seat, however doubtful it may be, because I will not stop the proceedings." The reply of the King's counsel was, "You know of what a Committee of the House is composed, and being neither a Whig nor a Tory, your fate is doomed, and you will lose your seat." And he was unseated on the petition. The petitioner, then, who was the person who had opposed him at the election, applied to be placed in his seat, but this the Committee refused, for they said, "Although he has prayed to unseat the sitting Member, he has forgotten to pray that he may be seated himself." This staggered and confounded them; and though four of the Committee were found to vote in favour of giving the petitioner his seat, the majority were adverse to it. The petitioner was astonished at what he considered the negligence of his agent; and though he was unseated, that gentleman forbore to go down to the place and canvass for the seat. After the affair was over he was called out of the Committee by Mr. Peter Moore, who told him, that though he had been twenty years in the House, and during that time frequently on Committees, yet that he never remembered to have witnessed such flagrant injustice as had been exhibited by that Committee towards him. "But," added Mr. Moore, "this comes of your being no party man, for the Committee was so nicely balanced, that, with the exception of myself, you had not a single friend upon it." Now, it could not be supposed that with such impressions as these on his mind he would stand up as the advocate of the Election Committees of that House, but what he stood up for was this, that an inquiry should be instituted, and some means adopted by which the ruinous expenses which were confessedly inseparable from contested or controverted elections should be done away with. For if they did not do this, what would this whole discussion amount to but a mere idle delusion—a mere worthless and disreputable squabble between the two great parties in the House? If it should turn out that from priestly superintendence, or priestly influence, any man or set of men had been returned to that House from Ireland who ought not to be there, he should rejoice to see them dispossessed of their seats; and he was not surprised that hon. Members who were sincerely interested in the support of what they conceived to be the Protestant interest of the country should be alive to an investigation of these circumstances. But into the merits of that question he should forbear to enter. All he was anxious about was, to bring the House, if he could, and at all events the country, to an understanding of what was their real position; to show what was the real amount of the sincerity of the desire which was so generally affected on all sides, to have wholesome, sound, and cheap legislation. At the present moment no man could stand a contest in any borough, city, or county of this kingdom but at a serious expense. The noble Member for Dorsetshire had himself admitted, that so frightful was the expense of inquiry before Election Committees of that House, that he had been actually led to contemplate the resignation of his seat rather than incur so heavy an expense, and that he should have adopted this course had not powerful friends interfered. It was not belonging to all men, however, to have powerful friends. There might be a man whose attainments and whose pretensions no man should doubt, and all men must envy, whom the kindness and affection and confidence of his fellow-citizens might desire to return to that House, and whom having sent there they might be deeply anxious to protect in his seat; but by what means could such an individual ever make his way there, or, when assailed by powerful opponents, maintain his position? It was admitted on all sides that the expenses, both of the original contest and of maintaining a seat, were so enormous that even the heir to a title and to a great property shrunk from entering upon them. He would ask the House, then, whether it was not high time to enter into a sincere and searching inquiry into the causes of these expenses both of the original contest and the disputed seat, for the House must recollect that however much they might have reformed the process by which men were returned to that House, by simplifying the registration, by abbreviating the period during which a contest might last, yet, as far as regarded a scrutiny before a Committee, all the expenses remained unchanged and undiminished. Was the House disposed to lessen these expences, and would it consent to a Committee to inquire into the means of doing so? It was simply with the intention of ascertaining this that he had risen. Not that the debate of the evening had not afforded many and various topics on which for any Member of the House to dilate to any length he pleased, without any apprehension of being called to order for departing from the question. If any Gentleman, not having heard the motion read by the hon. Member for Limerick, had listened to any one of the speeches of the night, excepting always that appropriate and singularly neat and compact speech of the hon. and learned Member for Exeter, he might very fairly have presumed that the House was discussing a motion for the House to go into a Committee of the whole House to consider the general state of the nation, for scarcely any possible topic had been omitted, save, indeed, the precise question before the House. He would, however, throw aside all advantages arising from this temptation to enter into the wide field, and discursive range of suggestions which fancy or feeling might supply, for the purpose of bringing the House to what he considered the practical view of the subject, and, whether it were palatable to the House or not, it was his intention to take the sense of the House upon it, and with this view, and in order that at that time of the night they might have really something to discuss, and that the country might be able to appreciate the nature of the subject engaging the attention of its House of Commons, it was his intention to move, by way of amendment, "That a Select Committee be appointed to consider of the means by which the expenses of contested and controverted elections may be avoided." Now this was a question which would well justify an adjournment of the debate, for it was one which required to be maturely considered, and as he had said before, all the previous discussion of the evening amounted to nothing. No man in the House could support the original motion, for however couched it might be in silken terms, and however much the subject might be set forth in fine terms by its advocates, he considered it was a direct censure on the hon. Member for North Wiltshire, it pointedly alluded to a Member of that House, and when he called to mind the nature of the statements therein made—when he considered how many Members of the House might feel and know that the course which the hon. Baronet had pursued, and so manfully avowed, was that which they had covertly taken—he for one would not be drawn into so ungenerous a course, while, on the other hand, if by any stratagem they negatived the motion, or got rid of it, or passed to the other orders of the day, or seized on any other of the instrumentalities by which justice might be evaded, then he should say, that the time of the House had been wasted, and that they had not improved the circumstances which presented themselves, for he would repeat, it was admitted on all hands, that the expenses of disputed elections were so frightfully large, that no man could incur them who had not enormous wealth. This was a state of things which it was the duty of the House to examine into, which it was the duty of the House to see overcome, and obviously, neither one thing nor the other, could be effected without a searching and sincere inquiry. This inquiry was the object of his amendment, and he should press that amendment to a division, in order to try the sincerity of both sides of the House. The hon. Member concluded by proposing his amendment.

Mr. *T. Duncombe* seconded the amendment.

Lord *J. Russell*, though unwilling to detain the House at that period of the night, felt it his duty to rise to say that he should vote neither for the original motion nor for the amendment. He begged a few moments' attention while he stated the grounds on which he felt it impossible to support the original motion. He was of the same opinion as he had stated yesterday, and which he now stated again, namely, that great evils must attend on this particular combination affecting the Irish controverted election petitions. He still thought, and the debate of this evening had confirmed him in the opinion, that the character of this combination and subscription was that of Protestant against Roman Catholic, and of Englishmen against Irishmen. He saw by the instances quoted to-night of peculiarity in the names or signatures of some of the subscribers, such as " Anti-papists" and " Anti-Dens Theologists," and titles of that description, intended to signify attachment to the Protestant church and constitution — this sufficiently showed that it was on religious grounds that the subscription had been raised, and was contributed to. Another fact, that the subscriptions were intended to act solely against the Irish petitions, was sufficient to satisfy him of the character of the proceedings. Taking this view of the matter, he considered the combination an act calculated to break that harmony between the two countries which was intended to be established at the union. But this was not all. He would put it to the House whether, considering the suspicions which had grown up and the objections that were raised on other grounds against the tribunals by which the election petitions were judged—he would put it to the House whether, bearing these facts in mind, it was not of opinion that a subscription of such a nature was calculated to excite additional doubt and suspicion as to the proceedings of those tribunals? They must foresee that if the decision of the Committee were in favour of the sitting Member against whom the subscriptions were raised, as had been stated by the noble Lord in his speech of to-night, such decision would be considered as against the Protestant established church; and if the decision were against the sitting Member, and in favour of the petitioner, it would be considered in Ireland as founded on narrow views, and as the result of sectarian animosities. Having mentioned these difficulties which could not fail to arise from subscriptions of this character—having stated the objections which he felt against combinations such as had been entered into—having pointed out the evils which must result from those meetings and those Committees which the noble Lord had honoured with his praise and commendation, he must say that he considered such occurrences most lamentable. But when he was asked what remedy was to be applied, he declared, as he declared lat night, that he knew not what direct remedy they could apply. His hon. and learned Friend the Attorney-General, stated it as his opinion, that as regarded the mere question of law, these subscriptions were illegal. The noble Lord said if that opinion were correct—if the Government believed the subscriptions to be illegal, why did they not immediately institute a prosecution against the parties? Now surely the noble Lord, with his experience of office and public life, must know that amongst the transactions of the day it frequently happened that acts were illegally committed, and that though her Majesty's Attorney-General, if asked if those acts were or were not illegal, as a good lawyer must declare them to be violations of the law, still he perhaps would not advise prosecution in any of those cases. Every one knew that it was not sufficient to say that because acts were illegal they ought to be prosecuted, and he had no doubt his hon. Friend, the Attorney-General, formed a sound judgment when he said he thought that these subscriptions ought not to be made the subject of prosecution. He also concurred in the view taken by the hon. and learned Member for Exeter (Sir W. Follett,) when he stated that if any proceedings were founded on the illegality of the subscriptions, or on their being a breach of the privileges of this House, they must embrace all the subscriptions to which the hon. and learned Gentleman had referred in alluding to Dorchester, and also all the other proceedings that other hon. Gentlemen had described in the course of the debate. He was forced then to this conclusion, that whatever the political or the moral character of this combination, whatever the peculiar evils that it might inflict on the country, when they talked of proceeding against it, they could not proceed on any such ground as had been suggested. If they considered it illegal, or an attack on their privileges, and instituted proceedings against it on that ground, they must at the same time allow of proceedings against every subscription that had been raised for controverted elections, and, perhaps, even against every subscription that had been raised for contested elections in this country.

For that reason he thought it was unadvisable to enter on any such course. But though not prepared to say that measures might not be taken to limit or restrain the powers of subscription, he feared they might be working mischief, in many instances, instead of good, if they refused to allow the interests of the poor man to be maintained by the subscriptions of others against the power of those who might have great resources at their command; by establishing that principle they might be giving an undue influence to the wealthy, and deeply injuring the interests of those who were in less fortunate circumstances. He therefore doubted much whether it was expedient to enter on any course which had for its object to put down subscriptions by any law at present in existence, or by any that Parliament might frame. Such being the case, while he thought that there were peculiar evils arising from this combination—while he thought it calculated to keep alive religious animosities, and thus to inflict a deep injury on the community, he could not consent to the appointment of a Select Committee. He did not think it right to concur in a vote for the appointment of a Select Committee unless he saw some probability of a practical measure resulting from it. He considered that it would not be candid or fair to the House to enter on this Committee to ascertain that of which they had little doubt without seeing some measure that would arise out of the inquiry; he did not think it would be fair to go into this Committee unless it was apparent that some practical benefit would result. The hon. Member for Southwark had proposed that instead of appointing a Committee to deal with this particular question they should name one to inquire into the expenses both of contested and controverted elections. Now, without some measure being immediately before him, he did not, as at present advised, think that the most expedient course with a view to remedy the evils of which they complained. For his part, at the commencement of this Parliament, seeing the new circumstances under which they were assembled, seeing the numerous petitions that must be presented, and the contests that were likely to occur on them, he should have been ready, if he had thought that the whole House would have concurred in his recommendation, to propose as the best way of maintaining the character of Parliament, and of disposing of these petitions, that they should appoint some tribunal by which all the petitions from first to last might be judged. Any such general assent, however, was not to be expected. If a proposal of that kind had emanated from that (the ministerial) side of the House, it would probably have been met by the imputation that it was made for the purpose of delay and keeping in their seats those who had no right to them. The next course open to them was that which he proposed to pursue; it was the course of allowing the election petitions to go on in the regular way before the legal tribunals; but at the same time he proposed to forward as much as was in his power any measure which he thought likely, on the one hand, to give greater facility and a character of impartiality to their tribunals; and on the other hand to diminish the expense of the trials which would come before them. He must advert to one more matter that was alluded to by the noble Lord. He agreed with him that the uncertainty of the franchise in Ireland was one of those circumstances which tended more than anything else to render the decisions of the Election Committees liable to doubt, and, consequently, suspicion and dissatisfaction. He considered this, in a great measure, the consequence of there being great doubt as to the law of election petitions. The decisions would be less uncertain and variable if the Committees had before them for their guidance regular precedents. He himself believed that men, whatever might be their party views, would not be disposed to swerve from what they plainly saw was their duty. But while there was a greater prejudice against it, as in consequence of the supposed influence of political or party views, the greater was the reason to improve the tribunal as much as possible, and to give it as much legal assistance as they possibly could. This seemed to him to be almost the only measure which they could take on this subject. He did not think that, in the present state of things, they could propose any measure which was likely to postpone to a future time the petitions which would not be imputed to party views. He had thus shortly stated his opinion on the question before the House. He would, however, before he sat down, take some notice of one or two observations which had been made by hon. Members, and which were somewhat personal to himself. He would pass by the observations of the hon. Member for Maidstone, who had spoken for the first time in the House that night, with merely referring to one remark. The hon. Member said, that he (Lord John Russell) held in one hand the keys of St. Peter. In his opinion the hon. Member fell into an error similar to that into which many young speakers had before fallen, namely, that he had transposed his figure as well as his persons: the hon. Gentleman evidently intended to say that Mr. Hudson, when he rushed into the Vatican, had secured the keys of St. Peter, and placed them in the hand of the right hon. Baronet. The right hon. Baronet, the Member for North Wilts, said, that he (Lord John Russell) had attached much weight to the authority, and had referred to a motion that he brought forward some years ago, and to a speech he then made, as a precedent for the present proceeding. He begged to assure the hon. Baronet that he attached no weight whatever to his authority. He did not think that any weight or importance could or ought to be attached to that opinion, and, therefore, the hon. Baronet was mistaken in supposing that he had alluded to that precedent as being entitled to any weight or authority. He believed the hon. Baronet, who had made some observations with reference to himself personally, had left the House; but as they were of very little consequence he would not dwell upon them. The hon. Baronet had spoken of his (Lord John Russell's) inconsistency every twenty-four hours; he could not help observing that the question of consistency was rather a dangerous topic for the hon. Baronet to dwell upon. He would, however, take an opportunity of saying a few words on this subject when the hon. Baronet was in the House.

Sir *Robert Peel* said, that he felt particularly called upon to offer a few observations to the House, in consequence of the direct appeal made to him by the hon. Member on a subject so much adverted to by him; namely, a new tribunal for the trying election petitions. The hon. Member asked him why he urged objections to the improvement of the existing tribunal of that House for the determination of contested elections? He denied that he was opposed to any such improvement. For his own part he was quite willing to take into his consideration any measure for the improvement of the tribunal. He objected to the proposal made that when they had a tribunal constituted by Parliament, that was found existing at the beginning of a new Parliament, they should at once proceed to set it aside and form another. He objected on various grounds to the postponement of the consideration of the petitions until that House and the House of Lords had agreed to the Bill of the hon. Member for Liskeard, or to some other Bill for the purpose of improving the tribunal. He objected on these grounds, in the first place, that it was the particular duty of that House to decide who were the legitimate representatives of the people, and nothing could be so unjust as to postpone the determination of this important matter until they had agreed as to the tribunal which should be substituted for the present one. Secondly, he objected to the proposition because it would furnish a most dangerous precedent in a new Parliament for a majority to force a decision on a minority as to what should be the nature of the new tribunal by which the great question which he had just referred to should be decided. The hon. and learned Member for Dublin had taunted him with an unwillingness to recede from the present system by which the decision of a contested election petition was left to a Committee of the House. He, in reply, would ask who had dwelt on the impropriety of leaving the jurisdiction of this subject in the House of Commons, who had said that it was most unfit and unbecoming to assemble in great numbers when the tribunals were to be appointed, who had said that, being connected with party, they would act as party-men, and who withdrew a Bill he wished to introduce, having for its object the transferring the jurisdiction to an entirely new tribunal, and voted for a Bill of a very different nature? The only Bill which was now before the House proposed to leave the jurisdiction in the House of Commons as it at present was, the persons on the tribunal to be determined by ballot; if then, this Bill passed, there would be the same attendance at the ballot as there was at present. There would be the same attention to the canvass which the hon. and learned Gentleman so much condemned, and to any party object to which the present system was liable. He found also that the Bill which had been adopted by the hon. and learned Gentleman contained proposals which were directly at variance with the recommendations of the Committee. The noble Lord had also said that he so much disapproved of the Bill that he had some important alterations to propose in various parts of it. He (Sir Robert Peel) objected, however, that at the beginning of the new Parliament they should not have time to give such an important subject due consideration, if it were to be immediately adopted, and which, if hastily proceeded with, would most probably be liable to the strongest objections. Another great objection of his was, the referring the sixty-seven election petitions to a new and untried tribunal. He would say improve the election tribunal after this session, divest it as much as possible of any suspicion of being influenced by party feeling. By this means, and after ample consideration, a satisfactory measure might be framed, which should be gradually brought into operation by referring to it the petitions for contested elections that might arise during the continuance of the Parliament, and if they found defects in the working of the measure they would at once make such alterations in the new tribunal as might be deemed necessary; but if they passed a measure at once, and determined that the sixty-seven petitions should be referred to it, they would then provoke complaints, and if any inconvenience should arise, they could not apply a remedy if they did not again postpone the consideration of the election petitions until that House and the House of Lords could agree to another tribunal. He begged that it might not be supposed that he objected to any change in the constitution of the tribunal which was likely to be an improvement: it was as much the interest of that as of the opposite side to adopt an improvement which was calculated to insure the impartiality of the tribunal. He might be asked, if there was nothing of party feeling in the present tribunal; and he would ask in reply, if that were the case, what advantage could the minority possibly have over the majority? He was, however, willing to adopt a new tribunal, after due consideration, which should not be liable to the objection of being an *ex post facto* law. If at a proper time, a measure having that object in view were introduced, he would apply his mind to the details of it with a view to its adoption. An analogy had been drawn between this subject and a change in the law respecting jurors; but the analogy did not hold good. There could not, he thought, be any doubt that persons of all parties would willingly lend themselves to the improvement of the jury laws. With reference, however, to the proposed Bill, the first thing that must be done was for the majority to elect an assessor, by whose legal opinion the decision of the tribunal would rest on many points. The person proposed might, in the first instance, be defeated by a party, and would not that excite objections and suspicions against the tribunal; and he begged the House to recollect that it had been called together at an unusually early period, and before Christmas to consider, to use the old terms, *de quibusdam arduis rebus de statu et ecclesia Angliæ consultandum.* With respect to the motion before the House, the author of it apparently shrunk from the charge of it, although last night they were assured that it should be submitted to its attention; but nothing prevented their immediate decision on the subject but the ill-timed and inconsiderate proposition of the hon. Member for Southwark. That hon. Member stated that on one occasion his return was sent to the decision of a Committee on which he had only one friend, and he (Sir R. Peel) had thought that on that occasion the hon. Member would not have met with a single supporter. The proposition of the hon. Member had no immediate connexion with his own proposal. In justice to his own proposal the hon. Gentleman ought to give a distinct notice upon the subject; he ought, too, to press for a decision upon the main question, for otherwise he must think that his own proposal could only lead to a further waste of time. This he ought to do, if he believed that the present question was brought forward in the mere spirit of party warfare, and if he really believed, as he (Sir R. Peel) had no doubt he did so believe, that it was an ungenerous motion directed against the hon. Baronet, the Member for North Wilts. Then the hon. Member must see that there was a triple ground for his taking that course which was now suggested to him—first, for the purpose of markiug his dissatisfaction with what he must regard as a useless consumption of the public time; next, for the purpose of discouraging the attempt to draw away their attention to party politics; and, thirdly, for the purpose of recording his disapproval of an ungenerous attack upon a Member of that House. Upon all these accounts that hon. Member ought to be prepared to divide upon the main question. Let there not be any pretext afforded for withdrawing from a decision upon the question; for after the amendment had been negatived, and the main proposition put, as far as he was concerned, there should be no previous question—there should be no appeal to the order of the day. The simple and the intelligible ground of the motion was, that an unwise and an unjust act had been done, and that he proposed to meet with a positive and direct negative. As the hon. Member for Monmouth had proposed five or six cumbrous resolutions, entering into details, and involving what might be partly truth, it might on that account have been difficult to have met them with a distinct negative, and the previous question then could have been resorted to; but when the question was, whether or not a Committee should, upon a simple statement of facts, be appointed—and let it be remembered that if not appointed that night, it could not be appointed for many weeks following—when such was the proposition, there was no pretence for taking any other course than that of saying "aye," or "no," to the appointment of the Committee. He intended to say "no," and this, therefore, was the course which he meant to pursue. If the hon. Gentleman, the Member for Southwark, persisted in moving his amendment, the question put from the chair would be, that "the words proposed to be left out stand part of the question; then, in that case, he must have the infinite satisfaction of voting with the hon. Member, the mover of the proposition, and of course with the noble Lord. The hon. Gentleman must be anxious to come to the decision upon his own proposition. He must think that any impediment that should be thrown in his way to attain that desirable end must be exceedingly disagreeable, if not unfair; and of course the hon. Gentleman must move that his words stand part of the question. If, then, that were carried in the affirmative, and he thought he could promise the hon. Gentleman that they on that side of the House would aid him in carrying it so far, then they would come to decide upon the main question, whether the Committee ought to be appointed. As he had said before, he should meet that proposition with a direct and unqualified negative. Either the proceeding which had been so much adverted to that night was an illegal and an unconstitutional proceeding, or it was one permitted by law. If the noble Lord thought that it was of doubtful legality, and yet dangerous, he had the remedy within his hands; it was not even necessary for him to have recourse to the Attorney-General on the subject; but the noble Lord could bring in a declaratory Bill. If it were unconstitutional and a breach of the privileges of that House, why did not hon. Gentlemen meet it with a direct resolution? But if hon. Gentlemen opposite felt this transaction to be one which they considered to be imprudent and unwise, and yet which they felt to be tolerated by law, then he had to protest against the course of proceeding which they seemed determined upon adopting. Hon. Gentlemen said that the argument which had been used in this debate was a *tu quoque* argument—of course it was. His hon. and learned Friend, in his admirable speech, had showed that not only was it a transaction tolerated by all parties at all times, but that those opposite had sanctioned and practised it the most. On the opposite side they said *tu quoque*, but he replied to them, *tu quoque*, *tu prior*, *tu quasi*. They had taught, and they had practised, and they now complained. Oh! but his noble Friend brought forward the Dorchester case. Now, if he had brought forward that case at the time—if he had read the names of the contributors, and the fanciful designations they assumed—what a miserable waste of time it would have been thought? And this would be the result if the House of Commons condemned an act without the power of enforcing the condemnation—that not only would the parties escape punishment, but the House of Commons would render itself contemptible; because this would be practical tyranny, that a majority not daring to amend an old or enforce a new law, and unable to pronounce a certain action a breach of privilege, would still attempt, by a vote of a majority, to degrade those who did it. Let them once take that course, and they would find such an arbitrary exercise of power would provoke opposition, and induce men to glory in that which they denounced, and persons would challenge them to exercise their power by enforcing the very principles which they condemned. There was nothing that he should lament more than this: and this he must say, that if he found the act of a mere majority of that House was to be at any one time substituted for the vengeance of the law, then there was no measure that he would not have recourse to to resist that illegal exercise of power, and he should defy the House of Commons. They had avoided as yet any act of that kind; but he feared from the tone that had been assumed in the course of the debate, and the attacks made on the contributors, that some course like that he apprehended might be attempted, while, in the end, they did not appear to be in a hurry to get the Committee. The hon. Gentleman (Mr. S. O'Brien) appeared to have brought forward a very extraordinary proposition. He considered that he had a right as an individual to complain upon this subject; he said that it was intended to displace Roman Catholic Members; and yet that hon. Member himself, who was the only petitioner against the subscriptions, happened to be a Protestant. If he was not right in this statement the hon. Gentleman could correct him. Now he said, notwithstanding the attack that had been made upon the hon. Baronet, he had derived nothing but credit—nothing but credit—nothing, he repeated it, but credit, from the manly course of his proceeding. Hon. Gentlemen opposite had taunted the hon. Baronet with inconsistency; could that inconsistency proceed from any dishonourable or dishonest cause? What reward could the hon. Baronet hope for? The position of the hon. Baronet enabled him to look down upon the imputation of unworthy motives. He did not admit of the charge of inconsistency as being applicable to the hon. Baronet. He had long been opposed to the hon. Baronet; but the position of the hon. Baronet at that moment was that of many other individuals of the highest character, respectability, and intelligence, in this country. The hon. Baronet had struggled for Parliamentary Reform—he had assailed in violent language the usurpation of the peers and the boroughmongering system; but he had never heard of the hon. Baronet, even at the most inflamed periods of party politics—he never heard of him saying that when reform was granted that he wanted to see the privileges of the monarchy, or of the House of Peers, in the slightest degree invaded. The hon. Baronet's had been a perfectly honest and consistent course; he it was who mainly by his efforts had substituted for the former representation that which now prevailed. It was perfectly consistent in the hon. Baronet, when he had attained that which he had sought for, that he should rest satisfied, and that when an encroachment was made upon other constituent bodies of the Legislature, he having the acuteness to perceive, had the manliness to face, the attacks that might be made upon him, when he stood up to oppose the attacks that might be made upon the privileges of the monarchy and the peerage. The hon. Baronet did struggle for Roman Catholic Emancipation, as it was called. He was amongst the most powerful and the most successful advocates of that measure. The Roman Catholics of Ireland entertained a different opinion of the hon. Baronet from that which the hon. and learned Gentleman, the Member for Dublin, now expressed, when upon two occasions they intrusted the hon. Baronet with the office of bringing forward the Roman Catholic petitions; and when he read those expressions of gratitude for the hon. Baronet's services which had flowed from the Roman Catholics of Ireland, he scarcely expected that one of the chief amongst the Roman Catholics of Ireland would denounce the hon. Baronet, not only for the present opinions which he entertained, but on account of his past political conduct, asserting that in his youth and throughout his manhood he had done no good whatever to the popular cause, the cause of which the hon. and learned Gentleman was so strenuous an advocate. They knew that the hon. Baronet had contended for the complete relief of the Roman Catholics from their disabilities, and the annihilation of all distinctions on account of differences in religion; but they never yet had heard the hon. Baronet maintain it as a necessary consequence of the removal of the Roman Catholic disabilities, that the securities of the Protestant Church should be endangered. And again, having succeeded in removing these disabilities, and placing the Roman Catholics on a footing of perfect equality, so far from being inconsistent it was real consistency; it was real conformity with every principle which the hon. Baronet had ever avowed, to say, "Now those disabilities are removed, I shall not, if I can prevent it, endanger the security of the Protestant institutions." And here again, seeing the injustice and the danger, and having the manliness to perceive it, the hon. Baronet said, he would stand there, as he had done, with respect to the peerage and the Crown; he would make his stand there in defence of the Protestant establishments of the country.

Mr. *T. Duncombe*, amidst loud cries of "Question! and divide!" said, the right hon. Baronet who had just sat down had not only commented upon the motion of the hon. Member for Limerick, but also upon the amendment of the hon. Member for Southwark; and in doing so he had characterised the amendment as most inconsistent, and one which he hoped had not a supporter in the House. Having been the individual who stood up in his place to second that amendment, he was not the person to shrink from stating the reasons why he thought that amendment ought to be supported. He thought the reasons stated by his hon. and learned Friend, the Member for Southwark, were most powerful. Well might that hon. and learned Gentleman say that the public, when they heard that the House had spent six or seven hours in the debate of this evening, would think that the time of the House had been most uselessly expended. The whole had been a farce—the farce of *Much Ado about Nothing*. They could come to no decision relative—what decision could they come to unless they agreed to the amendment of his hon. and learned Friend? What did the motion of the hon. Member for Limerick mean? It meant to cast a vote of censure on the hon. Baronet the Member for North Wiltshire. It was quite clear from what the noble Lord(Lord J. Russell) had said, that the House was not prepared to agree to that vote of censure. He for one, was not prepared to say that because the hon. Baronet had subscribed 20*l.* to some fund or other, that therefore he was capable of so much dishonesty as that he would not adjudicate fairly upon a Committee. He could only say that if he were a petitioner or petitioned against, he would be perfectly ready to leave his case in the hands of the hon. Baronet. The noble Lord (Lord John Russell) did not agree with the motion of the hon. Member for Limerick, nor in the amendment. In this difficulty what was he to do? The amendment of his hon. Friend the Member for Southwark was based on common sense; it was simply this, whether the House was prepared to remove the expenses entailed upon petitioners and those petitioned against, who came before Election Committees. That was the simple question. Put down these expenses, and the Spottiswoode gang subscriptions and associations would fall to the ground. What the division would be he did not know; but he hoped his hon. and learned Friend would press his amendment to a division, and then the country would see whether or not it was the intention of the House to reduce the expenses of Election Committees.

Lord *Clements* amidst much noise said, he would not detain the House two minutes. He hoped they would allow him to mention the circumstances which induced him to vote for the motion of the hon. Member for Limerick. The noble Lord, the Member for North Lancashire, had perceived, as he said, a number of nice distinctions which had been drawn by Members on that side of the House. Upon one of those which the noble Lord had called a nice distinction would rest the vote which he was about to give. He thought that this was not only a question of degree, but it was based on the grand principle not only of interfering with the rights of the Irish Members in that House, but also of disfranchising a large class of voters in Ireland—not fictitious or fraudulent voters, but persons whose property was of a value to entitle them to vote. It was to protect this class of voters that he was anxious to put down this conspiracy.

Mr. *O'Brien* in reply said, he did not think that the time of the House had been altogether wasted. He thought that this country and Ireland would expect that on this question the opinion of the House of Commons should be declared. He perhaps owed an apology for making himself the humble instrument of submitting this question to the House. He would not have ventured to present himself as a petitioner if he had not felt that he was one of a class against whom these subscriptions were directed. As he understood, the situation in which the House was placed was this:—the majority agreed in thinking that this proceeding was unconstitutional. The majority agreed with him in thinking that it was inequitable that the same person should be judge and prosecutor; but he observed this, that such was the universal practice on both sides of the House, that they could not come to a division without passing a condemnation on themselves. That he believed was the real state of the case, and that was the reason why he had not the support of Government, and as he was not supported by Government, it was no great boast on the part of the right hon. Baronet, that he would obtain a majority. The right hon. Baronet might enjoy his triumph. He had enjoyed one last night over a new Member, who was unacquainted with the forms of the House; and now he might enjoy a triumph over him (Mr. O'Brien), for as soon as he heard that his motion would not be supported by Government, he despaired of success. But the discussion which had taken place would do good? it would convince the country and the House of the necessity of doing something to alter the present tribunals, and thereby to render the expenses of Election Committees less crushing to those whose duty compelled them to have recourse to them.

The House then divided on the question, that the words proposed to be left out stand part of the question:—Ayes 389, Noes 91: Majority 298.

The House again divided on the main question:—Ayes 121, Noes 331: Majority 210.

First Division.

List of the Ayes.

Acland, Sir T.
Acland, T. D.
A'Court, Captain
Adam, Sir C.
Adare, Viscount
Aglionby, H. A.
Alexander, Viscount
Alford, Viscount
Alsager, Captain
Anson, hon. Colonel
Archbold, R.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, Colonel
Baker, E.
Baring, F. T.
Baring, hon. F.
Baring, H. B.
Barneby, J.
Barnes, Sir E.
Barrington, Viscount
Barron, H. W.
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bethell, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Blakemore, R.
Blennerhasset, A.
Blewitt, R. J.
Blunt, Sir C.
Boldero, H. G.
Bolling, W.
Borthwick, P.
Brabazon, Sir. W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brodie, W. B.
Browne, R. D.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Bryan, G.
Bulwer, E. L.
Burr, H.
Burrell, Sir C.
Burroughes, H.
Butler, Colonel
Calcraft, J. H.
Campbell, Sir H.
Campbell, Sir J.
Canning, Sir S.
Cantilupe, Viscount
Carnac, Sir J.
Castlereagh, Viscount
Cavendish, hon. C.
Cavendish, hon. G.
Cayley, E. S.
Chandos, Marquess of
Chaplin, Colonel
Chapman, L.
Chichester, J. P. B.
Christopher, R. A.
Chute, W. L. W.
Clayton, Sir W. R.
Clements, Viscount
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, Viscount
Collier, J.
Collins, W.
Colquhoun, Sir J.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Corry, hon. R.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Creswell, C.
Curry, W.
Dalmeny, Lord
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duckworth, S.
Duff, J.
Duffield, T.
Dugdale, W.
Duncombe, W.
Dundas, F.
Dunlop, J.
East, J.
Eastnor, Viscount
Eaton, R.
Egerton, W. T.
Eliot, Lord
Eliot, hon. J. C.
Ellice, Captain A.
Ellis, J.
Estcourt, T. G. B.
Estcourt, T. H. S.
Evans, W.
Farnham, E. B.
Fielden, W.
Fellowes, E.
Ferguson, R. A.
Fitzalan, Lord
Fitzgibbon, Colonel
Fitzroy, hon. H.
Fitzsimon, N.
Fleetwood, P. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Freshfield, J. W.
Gaskell, James Milnes
Gibson, J.
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, R.
Gore, O. J. R.
Gore, O. W.
Goulburn, H.
Granby, Marquess
Grattan, H.
Greene, T.
Greenaway, C.
Grey, Sir G.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E.
Hale, R. B.
Halford, H.
Halyburton, hon. D.
Halse, J.
Harcourt, G. S.
Hardinge, Sir H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Hayter, W.
Heathcoat, J.
Heathcote, Sir W.
Heneage, E.
Henniker, Lord
Herries, J.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Hogg, J. W,
Holmes, hon. W.
Hope, G. W.
Hope, H. T.
Horsman, E.
Hotham, Lord
Houstoun, G.
Howard, P. H.
Howard R.
Howard, hon. W.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hurst, R. H.
Hutton, R.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W.
Jenkins, R.
Jermyn, Earl
Johnstone, H.
Jolliffe, Sir W.
Jones, J.
Jones, T.
Kemble, H.
Kerrison, Sir E.
Ker, D.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Labouchere, H.
Lascelles, hon. W.
Law, hon. C.
Lefevre, C. S.
Lefroy, right hon. T.
Lemon, Sir C.
Lennox, Lord G
Lennox, Lord A.
Litton, E.
Lockhart, A. M.
Logan, H.
Lowther, Colonel
Lowther, Viscount
Lowther, J.

Lucas, E.
Lushington, Dr.
Lushington, C.
Lygon, General
Lynch, A.
Mackenzie, T.
Mackenzie, W.
Mackinnon, W.
Maclean, D.
Macleod, R.
Macnamara, W.
Maher, J.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C. S.
Marshall, W.
Martin, J.
Marton, G.
Master, T. W. C.
Maule, W. H.
Maunsell,T. P.
Maxwell, H.
Meynell, Captain
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milton, Viscount
Moneypenny, T.
Morpeth, Viscount
Murray, J. A.
Muskett, C. A.
Nagle, Sir R.
Neeld, J.
Nicholl, J.
Norreys, Lord
O'Brien, C.
O'Brien, W. S.
O'Callaghan, C.
Ossulston, Lord
Owen, H. O.
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Palmer, R.
Palmerston, Viscount
Parker, J.
Parker, M.
Parker,R. T.
Parker, T. A. W.
Parnell, Sir H.
Parrott, J.
Patten, J. W.
Peel, Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, G. J.
Peyton, H.
Philips, H.
Planta, hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Poulter, J. S.
Powell, Colonel
Power, J.
Powerscourt, Visct.
Praed, W. M.
Price, R.
Pringle, A.
Pryse, P.
Pusey, P.
Rae, Sir W.
Ramsbottom, J.
Ramsay, Lord
Redington, T. N.
Rae, Sir J. R.
Rice, right hon. T. S.
Rich, H.
Richards, R.
Rickford, W.
Roche, E. B.
Roche, W.
Roche, D.
Rolfe, Sir R. M.
Rolleston, L.
Rose, Sir G.
Round, C. G.
Round, J.
Rumbold, C. E.
Rushbrooke, Col.
Russell, Lord J.
Russell, Lord
Salwey, Colonel
Sanderson, R.
Sandon, Viscount
Scarlett, J. Y.
Scarlett, R.
Scrope, G. P.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Somerville, Sir W.
Spry, Sir S. T.
Stanley, E. J.
Stanley, E.
Stanley, Lord
Steuart, R.
Stewart, J.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sugden, Sir E.
Surrey, Earl of
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Thornley, T.
Thornhill, G.
Tollemache, F. J.
Tracey, H. H.
Trench, Sir F.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tufnell, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Vivian, Sir R. H.
Wall, C. B.
Wallace, R.
Welby, G. E.
Westenra, H. R.
Westenra, J. C.
Wilberforce, W.
Wilbraham, B.
Williams, R.
Williams, T. P.
Wilmot, Sir J.
Wilshire, W.
Winnington, H.
Wodehouse, E.
Wood, C.
Wood, Colonel
Wood, G.
Wood, T.
Wrightson, W.
Wyndham, W.
Wynn, C. W.
Yorke, E. T.
Young, J.

TELLERS.
Freemantle, Sir T.
Holmes, W.

List of the NOES.

Ainsworth, P.
Alston, R.
Attwood, T.
Baines, Edward
Ball, N.
Bellew, R.
Blackstone, W. S.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Busfield, W.
Byng, G. S.
Callaghan, D.
Chalmers, P.
Currie, R.
Dashwood, G. H.
Davies, Colonel
Dennistoun, J.
D'Eyncourt, C.
Divett, E.
Duke, Sir J.
Duncan, Viscount
Duncombe, A.
Dundas, C. W. D.
Dundas, J. C.
Dundas, Captain
Easthorpe, J.
Erle, W.
Fort, J.
Gillon, W. D.
Hall, B.
Handley, H.
Hindley, Charles
Hodges, T. L.
Hollond, R.
Howard, F. J.
Jephson, C. D. O.
Johnston, General
Kinnaird, A. F.
Langdale, hon. C.
Leader, J. T.
Leveson, Lord
Mahony, P.
Melgund, Viscount
Milnes, R. M.
Morris, D.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Palmer, C. F.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W.
Phillpotts, J.
Ponsonby, C. F. A.
Ponsonby, hon. J.
Protheroe, E.
Pryme, G.
Rice, E. R.
Rundle, J.
Sandford, E. A.
Scholefield, J.
Sharpe, General
Smith, J. A.
Somers, J. P.
Standish, C.
Stanley, M.
Stanley, W. O.
Stansfield, W. R.
Stuart, Lord J.
Stuart, V.
Strickland, Sir G.
Style, Sir C.
Talbot, R. C. M.
Talbot, J. R.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.
Wakley, T.
Warburton, H.
Ward, R. G.
Willbraham, G.
Williams, W.
Wood, Sir M.
Worsley, Lord
Yates, J. A.
Young, G. F.

TELLERS.
Harvey, D. W.
Duncombe, T.

* * *

SECOND DIVISION.

List of the AYES.

Aglionby, H. A.
Archbold, R.
Attwood, T.
Baines, E.
Ball, N.
Baron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Blewitt, R. J.
Blunt, Sir C.
Brabazon, Lord
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, D.
Busfield, W.
Butler, hon. Colonel
Byng, right hon. G. S.
Callaghan, D.
Chalmers, P.
Chapman, L.
Clements, Viscount
Collier, J.
Collins, W.
Curry, W.
Dashwood, G. H.
Dennistoun, J.
Duckworth, S.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Captain C.
Erle, W.
Fitzgibbon, Colonel
Fitzsimon, N.
Fort, J.
Gibson, J.
Gillon, W. D.
Grattan, H.
Greenaway, C.
Hall, B.
Hallyburton, hn. D. G.
Handley, H.
Hastie, A.
Hawes, B.
Heathcoat, J.
Heneage, E.
Hindley, C.
Hodges, T. L.
Holland, R.
Horsman, E.
Howard, F. J.
Howard, R.
Hume, J.
Hutton, R.
Johnstone, General
Kinnaird, hon. A. F.
Langdale, hon. C.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Maher, J.
Mahony, P.
Martin, J.
Maule, W. H.
Melgund, Visct.
Milton, Visct.
Morris, D.
Nagle, Sir R.
O'Brien, C.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Parrot, J.
Pattison, J.
Pease, J.
Pechell, Captain
Ponsonby, C. F.
Poulter, J. S.
Power, J.
Protheroe, E.
Pryme, G.
Reddington, T. N.
Roche, E. B.
Roche, W.
Roche, D.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Sharpe, General
Somers, J. P.
Somerville, Sir W. M.
Stanley, M.
Stansfield, W. R.
Strickland, Sir G.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thornley, P.
Troubridge, Sir E. T.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Westenra, J. C.
Williams, W.
Winnington, H.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.

O'Brien, W.
Bulwer, ——

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adam, Sir C.
Adare, Visct.
Alexander, Visct.
Alford, Visct.
Alsager, Capt.
Alston, R.
Anson, hon. Col.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, Col.
Baker, E.
Baring, F. T.
Baring, hon. F.
Baring, H. B.
Barneby, J.
Barnes, Sir E.
Barrington, Visct.
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord G.
Berkeley, hon. G.
Bernal, R.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Blakemore, R.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Borthwick, P.
Bowes, J.
Brabazon, Sir W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir H.
Canning, Sir S.
Cantilupe, Visct.
Carnac, Sir J. R.
Castlereagh, Visct.
Cavendish, hon. C.
Cavendish, hon. G.
Cayley, E. S.
Chandos, Marquess
Chaplin, Col.
Chichester, J. P. B.
Christopher, R. A.
Chute, W. L. W.
Clayton, Sir W.
Clive, Visct.
Clive, hon. R. H.
Codrington, C. W.
Cole, Visct.
Colquhoun, Sir J.
Compton, H. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Craig, W. G.
Cresswell, C.
Dalmeny, Lord
Dalrymple, Sir A.
Damer, D.
Darby, G.
Darlington, Earl
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duff, J.
Duffield, T.
Dugdale, W. S.
Duncan, Visct.
Duncombe, T.
Duncombe, W
Duncombe, A.
Dunlop, J.
East, J. B.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Ellice, Captain A.
Ellis, J.
Estcourt, T. G. B.
Estcourt, T. H. S.
Evans, W.
Farnham, E. B.
Fielden, W.
Fellowes, E.
Ferguson, Sir R.
Fitzalan, Lord
Fitzroy, hon. H.
Fleetwood, P. H.
Fleming, J.
Foley, E. T.
Foliett, Sir W.
Forbes, William
Forrester, hon. G.
Freshfield, J.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. F.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, R.
Gore, O. J. R.
Gore, O. W.
Goulburn, H.
Granby, Marquess of
Grant, Colonel

Greene, T.
Grey, Sir G.
Grimsditch, T.
Grimston, Visct.
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, J.
Harcourt, G. S.
Hardinge, Sir H.
Harvey, D. W.
Hawkins, J. H.
Hay, Sir A. L.
Hayter, W. G.
Heathcote, Sir W.
Henniker, Lord
Herries, J. C.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodgson, F.
Hodgson, Richard
Hogg, James Weir
Holmes, William
Hope, George W.
Hope, Henry T.
Hotham, Lord
Houstoun, G.
Howard, P. H.
Howard, hon. W.
Howick, Viscount
Hughes, W. B.
Hurst, R. H.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
James, Sir W. C.
Jenkins, Richard
Jephson, C. D. O.
Jermyn, R.
Johnstone, Hope
Jones, J.
Kemble, Henry
Kerrison, Sir Edward
Ker, D.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Labouchere, H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefevre, C. S.
Lemon, Sir C.
Lefroy, right hon. T.
Lennox, Lord George
Lennox, Lord Arthur
Litton, Edward
Lockhart, A. M
Logan, Hart
Lowther, Col.
Lowther, Visct.
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, Donald
Mahon, Visct.
Maidstone, Visct.
Manners, Lord C.
Marshall, William
Marton, George
Master, T. W. C.
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Mildmay, P.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Moneypenny, T.
Morpeth, Viscount
Murray, J. A.
Muskett, G. A.
Neeld, J.
Nicholl, J.
Norreys, Lord
Ossulston, Lord
Owen, H, O.
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parnell, Sir H.
Patten, John Wilson
Peel, right hon. Sir R.
Peel, J.
Pemberton, Thomas
Pendarves, E. W.
Perceval, Colonel
Percival, hon. G. J.
Philips, Mark
Phillpotts, John
Planta, right hon. J.
Plumptre, J. P.
Pollhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Ponsonby, J.
Powell, Col.
Powerscourt, Visct.
Praed, W. M.
Price, Richard
Pringle, A.
Pryse, P.
Pusey, P.
Rae, Sir Wm. Bart.,
Ramsbottom, J.
Ramsay, Lord.
Reid, Sir J. R.
Rice, T. S.
Rich, Henry
Richards, Richard
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Rose, Sir G.
Round, C. G.
Round, John
Rumbold, C. E.
Rushbrooke, R.
Russell, Lord J.
Russell, Lord
Sanderson, R.
Sandon, Visct.
Scarlett, hon. J. Y.
Scarlett, hon. R.
Scrope, J. P.
Shaw, right hon. F.
Sheppard, T.
Shirley, Evelyn J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, J. A.
Smith, Abel
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Standish, Charles
Stanley, Edward
Stanley, Lord
Steuart, R.
Stewart, James
Stewart, J.
Stuart, H.
Stuart, V.
Sturt, H. C.
Sugden, Sir E.
Surrey, Earl of
Thomson, C. P.
Thornhill, G.
Tollemache, F.
Tracy, H. H.
Trench, Sir F.
Trevor, hon. G. R.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Villiers, Lord
Vivian, J. E.
Wall, C. B.
Welby, G. E.
Westenra, H. R.
Wilberforce, William
Wilbraham, B.
Williams, Robert
Williams, T. P.
Wilmot, Sir J. E.
Wilshere, W.
Wodehouse, E.
Wood, G.
Wood, Colonel T.
Wood, T.
Wrightson, W. B.
Wyndham, W.
Wynn, C. W.
Yorke, hon. E. T.
Young, J.

TELLERS.
Freemantle, Sir T.
Holmes, W.

HOUSE OF LORDS,

Friday, December 8, 1837.

MINUTES.] Petition presented. By the Duke of RICHMOND, from Brighton, for a uniform rate of Postage.

HOUSE OF COMMONS,

Friday, December 8, 1837.

MINUTES] Bill. Read a first time:—Grand Jury Law Amendment.

Petitions presented. By Mr. PALMER, from Oaking, for the means of a speedier recovery of Debts.—By Mr. THOMAS DUNCOMBE, from a Union of Parishes in Yorkshire, against the Poor-law Amendment Act.

PENSIONS ON THE CIVIL LIST.] The *Chancellor of the Exchequer* addressed the House nearly as follows: Sir, I rise for the purpose of redeeming that pledge which in the earlier part of the Session, on moving a Committee on the Civil List, in the face of this House, in the face of the country, on the part of my colleagues, and in my own name I gave. I rise for the purpose of moving that the pensions charged on the civil list of his late Majesty in virtue of 1st William IV., c. 24, and in virtue of

2d and 3rd William IV., c. 116, charged on the consolidated fund, be referred to a Select Committee.

Undoubtedly I had not apprehended from what occurred on the occasion on which my pledge was given, from the absence of any declaration that a serious obstacle would be thrown in the way of my proposition, and above all, from circumstances that have arisen since, I had not apprehended that I was to expect more than a protest on the part of hon. Gentlemen who might differ from me against the course I intend to pursue; certainly it did not enter into my belief that hon. Gentlemen would oppose the motion which I am about to make. [*Hear!*] My right hon. Friend (Mr. Goulburn) cheers me. He undoubtedly stated on the occasion to which I have adverted that he would reserve his full opinion on the subject; but I take the liberty of saying, that if, as I have heard it rumoured, there be on the side of the great Conservative party in the House a determination to resist this inquiry, as contrary to principle and justice if they are resolved on pursuing that course, in the face of the public and of the House, and if their resolution has not been very recently formed, I should have expected that on the occasion on which my statement was made, that some virtuous indignation would have been manifested, and some decided declaration would have announced their intention to oppose the motion. I have said that my pledge was solemnly given, and let me now ask, under what circumstances is the motion, made in redemption of that pledge, to be opposed? I am glad to see on the benches opposite some hon. Gentlemen who, I believe, cannot oppose my motion. Amongst the hon. Members who are so circumstanced is the hon. and gallant Member for Lincoln, who has always been one of those who have called for an inquiry into pensions. [Colonel *Sibthorp:* I have.] I may mention, as another of the hon. Gentlemen opposite to whom I look for support on this occasion, the hon. Member for Caithness, who voted with the hon. and learned Member for Southwark on some former divisions on this subject. I am glad to see that, though there may be a resolute determination on the part of some to resist this motion, yet we may find in the formidable phalanx opposed to us the hon. Gentlemen I have named, and with them many others whose votes I ask for in the course of this evening, and who must give us their support.

In order to bring the present question clearly and distinctly under the consideration of the House, and in order to avoid the slightest misconception, I wish, in the first instance, to state that it is my intention to make this motion in the precise terms of the original notice given by the hon. and learned Member for Southwark (Mr. Harvey). I intend to submit that motion of the hon. and learned Gentleman without altering one single word or proposing to alter any one proposition contained in it. Why do I adopt his resolution? Because it contains at once a recognition of the principle of inquiry, and a recognition also that that inquiry is to be made with a due regard to the just claims of the parties. [*Hear!*] Gentlemen seem to cheer me because I say I am disposed to take the words of the hon. and learned Member for Southwark. Is there anything, I would ask, unusual in proposing a resolution in the words of a political opponent? Have we not high authority for this? I take these words, Sir, because, while they assert the principle of inquiry in favour of which I address the House, they put that limitation to it without which I should oppose the principle as strongly as I now support it: because they declare that the inquiry is to be carried on, subject to the just claims of the parties.

I shall now, Sir, endeavour very shortly to state the principal historical circumstances which connect themselves with the pension list, and with Parliamentary interference on the subject Gentlemen, no doubt, are aware that all Parliamentary interference has been an interference of restraint. Originally, and in early times, so far as the possessions of the Crown enabled the Crown to confer pensions as marks of royal favour, they were conferred without any control or limitation, and without any condition; but as soon as the constitution of England developed itself in its further maturity—so soon as ministerial responsibility was brought really and virtually into operation, the principle of restraint was considered necessary, and was frequently enforced. This constitutional jealousy itself, as hon. Gentlemen are aware, from the earlier time of Charles the Second down to the time of Queen Anne; although the greatest restraints originated only in the great discussions of 1782.

Sir, at the time when the Parliamentary opposition of this country comprehended the names of individuals whom we on this side of the House have been accustomed to look up to with deference and respect, and whom even the Gentlemen who are opposed to us will not be disposed to undervalue—I mean the names of Sir George Saville, Mr. Dunning, Mr. Fox, and Mr. Burke—the Parliamentary investigation on the subject of pensions began. Sir, in those days the first question that was urged, was the disclosure to Parliament of the names of the pensioners and of the amount they received. The first attempt made in those days was to mark by the distinct interposition of Parliament its sense of the responsibility of the minister who recommended the pensioner to the bounty and favour of the Crown. On these principles it was contended by those great and illustrious men whom I have named, that the pension list was a document which ought to be laid on the table of the House of Commons. I need not go further than to state that the principle of the responsibility of Ministers was maintained, and was carried to an extent as relating to the civil list beyond any which it is necessary for me to appeal to in support of the present motion. But it was in the year 1782, when Mr. Burke first brought forward, in his unrivalled and master-speech—the speech upon economical reform; a speech which, no doubt, I shall hear extracts read from on the opposite side of the House, but which extracts I shall be prepared to meet by distinguishing this case from the case he then argued—it was at that time he brought forward the question of the reform of the pension list. He then called the attention of the House and the public, first, to the principle on which pensions should be granted, and, secondly, to the limitation of the amount of such pensions.

Sir, what are the principles laid down in the preamble of the Bill, or rather in the preamble of the clause by which the power of granting pensions was conferred? Mr. Burke, in the preamble of that Bill, states, and I will read the very words, because they are so clear and they are so applicable to the argument which I shall make use of hereafter:—"Whereas," says Mr. Burke, "it is no disparagement for any person to be relieved by the royal bounty in their distress, or for their great desert, but, on the contrary, it is honourable to be thought worthy of such reward, be it enacted," and then, Sir, he proceeds to place a limit of 95,000*l.* to the amount of the pension list of England. Before this, there existed also the power to grant secret pensions. There was a statement made that this practice prevailed in the time of Mr. Burke—I know not with what truth it was, at that time, suspected, but that in other times those secret pensions were applied to purposes of Parliamentary corruption, I believe there is no doubt. Mr. Burke first struck at the root of that corruption; next he procured the acknowledgment of the principle that pensions should only be granted on the ground either of distress or of desert; and finally, he limited the amount to which the Crown might go in granting pensions on the civil list. This was a great step in advance—indeed there never was a greater step made in constitutional and economical reform.

I need not trouble the House with the intermediate discussions which took place between 1782 and the times to which we belong. I have now to refer to the discussion which took place in this House in the year 1829. It will be remembered that in that Session Mr. Hume moved for a return of the pensions upon the civil list, which motion was objected to by the Government of the day, and was supported by Lord Althorp on the ground, that Ministers ought to be responsible for the persons whom they recommended to the bounty of the Crown, and that Parliament had a right to hold them to that responsibility. In the year 1830 a demise of the Crown occurred; the civil list was referred to a Select Committee, and I perceive by the resolutions which the right hon. Baronet opposite has printed, that he attaches great and becoming weight to the recommendations of the Committee to which the whole of the civil list was on that occasion referred; by the words quoted by the right hon. Baronet in his proposed amendment, it was decided in reference to pensions granted previously, that the lapse of time, the fact of undisturbed and undisputed possession enjoyed from reign to reign, nay, continued even in cases of a change of dynasty, gave to the individual, if not a legal right to the renewal of his pension, at least an equitable claim, which was not to be treated lightly. That Committee reported, that it was inexpedient to enter upon a revision of the pension list, and, therefore, determined that the pensions should not be disturbed.

But, with respect to my present motion,

there are words in the report that would make it impossible either for the right hon. Baronet, or any other man who approves of that report, to resist on general grounds a proposition of appointing a Committee of inquiry. I beg to call the attention of the right hon. Baronet to the concluding words of the passage to which I have referred. It runs thus: "These observations, however, do not apply to the granting of future pensions on the civil list, if granted with a distinct notice to the individuals receiving them, that they are not only legally terminable on the death of the sovereign by whom they were granted, but liable to be revised or to be discontinued on the settlement of the civil list." I maintain, Sir, that this report has laid it down as a principle that the pension list of William 4th is subject to the consideration of Parliament. Therefore, Sir, I say that if even the right hon. Baronet is disposed to throw his shield over all antecedent pensions—with respect to which argument I shall speak hereafter; if he contends that the House cannot inquire into them, that they were settled at the time the civil list was settled on the proposition of Earl Spencer; it is not just, it is not legitimate reasoning that he should object to a Committee of inquiry to examine the pensions granted subsequent to that period; because the right to examine into them was clearly, and in the strongest manner, reserved in the report I have quoted; it is inconsistent in the right hon. Baronet to adopt the principles of that report and refuse an inquiry into the pensions since granted.

It may be asked on what terms have these pensions been granted? Have they been granted with any distinct notice? I wish the House to understand how that case stands. True, no distinct notice was sent to each pensioner, supposing it was necessary that a letter should be sent informing him that his pension would be revised; but was it necessary? This report was brought up by the Minister of the day, Earl Spencer, representing the Government of Earl Grey. He brought in the civil list act founded on that report; he arranged the pension list on the principles of that report; he granted pensions in accordance with that report; and shall it now be said, this report having been the authority for the deliberate acts of the House of Commons and of the Government, that the individual to whom the pension was granted is not to be held to have received notice? Can it be contended that this report did not in itself give clear notice to each pensioner that every one of these pensions was liable to the revision of Parliament? Sir, I say that to suppose that notice was necessary but was not given, would be; to attribute to Earl Spencer, upon whose character no imputation was ever thrown, and whose memory as a Member of this House is still valued and dear to all those who are his friends, and to many of those who are his opponents—it would be to attribute to Earl Spencer the basest of disingenuousness. Can it be thought that, having brought in the civil list on the principles of this report, he would have protected the pensioners from the consequences of any further inquiry? Therefore, Sir, I think I have shown that the principles of the report, of 1830, lead inevitably to the conclusion that Parliament, if it think fit, can appoint a Select Committee to inquire into every pension which was granted during the reign of his late Majesty William the 4th. I do not now stop to ask what test should be applied to these pensions—that is another question—but I contend that they are subject to inquiry. But even if this were otherwise, I appeal to the common sense, the common understanding of this House and of the country, even supposing that those pensions granted in the early part of the reign of William 4th, are protected from revision, I ask fearlessly whether those pensions which have been granted subsequently to the resolution of February, 1834, are not subject to the revision of this House? Are they not? Why the House of Commons, on full deliberation, adopted certain resolutions which were to impose certain limits on the discretion of the Crown in future. Is it of no importance to hon. Gentlemen—is it of no importance to the House—is it of no importance to the public—to know whether these resolutions have or have not been adhered to? Gentlemen may say, "O! but you have had an opportunity of examining into that fact before a Select Committee up stairs. No doubt the Government did not shrink from their duty of justifying those pensions before the Committee on the Civil List." It may be said by hon. Gentlemen, "We must presume that the Government, coming before a Select Committee for the first time with these resolutions, would not have hesitated to show the grounds on which every pension was granted by them. Now I beg the attention of the House to this point, because here is an argument which I hold to be irresistible in favour of my motion.

Sir, the Government did feel it to be their duty to justify those pensions, and account for every one of them. I was prepared to lay before the Committee, in reference to every pension, the fullest and most minute details, and was I allowed to go into those details? No. It was said, "You are about to have a Select Committee on pensions, and that is the fitting place. Produce your details there—go into your justifications there—we will not examine your pensions. We will not open one of your papers." The right hon. Gentleman may say he differs from me as to his impression of what occurred before that Committee, but I appeal to the other Members of it whether the statement I have made as to my own acts is not the fact. I ask the hon. Member for Somersetshire and the hon. Member for Lambeth, whether I did not tender to the Committee the fullest information respecting every pension for which we are responsible as having been granted since the date of those resolutions? Was I not stopped, and did I not thereupon state that I felt I should not discharge my duty unless I justified every pension. I was not then allowed to enter into the discussion, and am I now to be stopped by the motion of the right hon. Baronet? I say that this is not fair play. It is not fair or just to preclude an individual or a minister from giving information in which the public interests are concerned. It is not just to stop inquiry before the Select Committee by reference to future proceedings in the House; and then in the House to stop the proceedings again, by an amendment like that proposed to-night.

It may be said that such inquiry was a matter of indifference, and that no one charges abuses on pensions granted since 1831. It may be so; but is it of no importance to ascertain whether these resolutions have accomplished the objects of those who proposed them? We wished in 1834 to provide a remedy for a previously existing abuse; we introduced resolutions for that purpose; is it of no importance for the House to inquire whether these resolutions have or have not protected the public from the previously existing abuses? If the right hon. Baronet opposes this inquiry on general grounds, the House will be excluded from examining into the pensions granted since 1831—it will be also precluded from that investigation with a view to ascertain whether its resolution can be acted on with safety to the public. The House is to be precluded from an examination of the pensions granted since the year 1830, though such an inquiry is expressly suggested and provided for by the terms of Earl Spencer's report; and precluded from examining those pensions—with what object? I will not say with what intent, but with what effect? Is the House to be precluded from examining those pensions into which it has, on every ground of argument, a right to inquire, and is it to be thus precluded for the purpose of shielding and sheltering other pensions, but which do not come within the same category which I have set forth. Now let us examine whether Gentlemen are warranted in saying that no inquiry ought to take place into that earlier list. I admit that nothing could be more unjust, both to the Government which granted the pensions, and to individuals by whom they were received, than to apply either to the one or the other a test subsequently enacted, and having its origin in 1834. Nothing could be more unjust than such a course. But before I admit that such a course would be unjust, am I therefore called on to admit, that, previously to the adoption of that resolution, there was no test at all? On the contrary, every statement that was fairly made goes to show that a test existed at a period anterior to the year 1834, although the test was not so clear or distinct; still a test did exist as far back as in the time of Mr. Burke. What did that statesman say, and on what grounds, did he defend pensions? On two grounds. The act of 1782 stated the grounds on which these grants could be justified: the one was desert, and the other was distress; in the statute of 1782 these grounds were distinctly specified. I admit that the granting of pensions in ancient times was loose—was unfettered by those obligations to a considerable extent, and, therefore, I also am bound to admit that those ancient pensions ought not to be lightly disturbed; but what is the meaning of the right hon. Gentleman's notice of amendment? He does not advert to the words in my resolution saving existing claims and rights. I do not assert, however ancient the pension might be, if you prove that it originated in fraud or corruption, I do not assert, that in such event, it ought for a moment to protect it from inquiry. On the contrary, I maintain that if a case of that description were to be made out, and if it could be proved, let the guilt and responsibility rest on the Government that advised the grant or the continuance of a pension of that kind, and let the pension be also struck off. But does the present motion decide whether one single pension is to be struck off? Certainly not. But what you have to decide is this; when about to be called upon to grant a certain sum for a pension list, when the vote for pensions is virtually before you, whether you will first inquire into the facts of the case.

The hon. Gentleman (Mr. Harvey) is not to think because I have taken his words that I am disposed to strike out pensions without just and adequate grounds; but if he can show that any pension has been granted subsequent to the resolutions referred to, and which pension is contrary to those resolutions, then I am ready to say that such pension ought not to be granted. And if there be any pensions granted prior to those resolutions, I am ready to say that if it can be shown that it was granted from corrupt motives, then I shall be prepared to strike it out. I do not enter into the inquiry with any previous disposition to condemn pensions; on the contrary, I think that when the pensions are of ancient date we should throw the burden of proof upon those who impugn them. But this I say, that when we ask of the House of Commons to grant us 140,000*l.* a-year for pensions, the House of Commons has a right to consider whether those pensions ought to be continued. I do not ask the House of Commons to condemn either the pensions for which we are responsible, or for which prior Governments may be responsible; but I do ask them to remember that here we have to vote an annuity of 140,000*l.*; I ask them to recollect how they will be answerable to their constituents if, in giving that vote, they also negative my proposition, and refuse to inquire into the necessity of continuing the pensions to which the public money is to be applied. You are not asked to condemn the pensions or pensioners—it is not wished that you should go into the Committee with the desire to reduce what may be just claims and equitable demands from any mere sordid desire of effecting some trifling saving and accomplishing some paltry economy; you are asked to inquire whether these pensions ought to be continued, having a just view to the fair claims and rights of the parties. I, then, take the liberty of saying, that if the House of Commons now refuses an inquiry into this matter, it will be preposterous hereafter for any party in this House, or in the public, to speak of the responsibility of the Government in recommending these pensions. The danger of your voting for the amendment is great—it would be a declaration for the time—it would be a declaration to any Government that may succeed us. "Do just as you will with the pension list; appoint whomsoever you may fancy to select as a fit person to be on that pension list; the House of Commons will never question it." [*No, No!*] Hon. Gentlemen opposite may say "No," but I say that my argument is this—that if ever you are to enforce responsibility the time at which you can do it with the greatest justice, with the greatest precision, and the most constitutional propriety, is the present; for the money has now to be granted. Is not the present, then, the proper time for enforcing responsibility; the time before the money has been voted, and not after the vote? This, I say, is the time in which you are bound to inquire. Surely, if you now vote an annuity of 140,000*l.* without inquiry, your mouths will be stopped for the future. If, then, you are ever to inquire, it is at the present moment, when you are called upon to vote so large an annual sum as 140,000*l.* or 150,000*l.* for the pension list. I say that the time for such inquiry is upon the occasion of a new Sovereign—it is upon the settlement of a new civil list. In entering upon the inquiry you are, in my opinion, bound to enter upon it in a just and liberal spirit; you ought not to assume that every thing is wrong of which you do not happen to have a just and fair account. On the contrary, I believe that if ever there was a subject that will bear investigation, and be useful particularly to the just rights and the just claims of the parties themselves, the inquiry which I propose will be of that nature, and will be essentially useful to the parties most interested. I say this, Sir, with a knowledge of the facts; I have had the honour of communicating with many of the parties; and I must say, from the communications which it has been my fortune to receive, that I have obtained information, in the performance of my duty, which resolved many doubts I might previously have entertained; these communications have satisfied me that many of the grants, and amongst them several given at an early time, would, if given in later times, have been defensible not only according to the letter, but to the spirit of the resolutions of 1834. On the part, then, of the pensioners, upon that list, I ask for inquiry. If you were to enter upon it without having a just regard to their claims I should not ask for inquiry.

What, I ask, have you gained by mystery upon this subject? In my opinion, mystery has prevailed over it for too long a time; and instead of being beneficial to those whom you sought to protect, it has only been productive of danger to them. I repeat it that the general distrust which that mystery has engendered has been mischievous to the pensioners themselves. The refusal to investigate has produced upon the minds of the public on this subject impressions as to the individuals on the pension list which have been more injurious to them and more disparaging to the pension list than the consequences of the most searching inquiry.

I have, to suggest another argument in favour of inquiry. There may be Gentlemen amongst those who hear me who are afraid to take any course calculated to endanger what they consider to be the just rights of these pensioners; there may also be persons indifferent to those rights, (I hope there are not many), but without appealing to either class exclusively I am sure it cannot be contended by the House generally that the holder of a sinecure office had less of a vested right in his sinecure than a civil list pensioner in his pension; the sinecurist held office for life, and it might be found passing in his hands from one reign to another. The present is a case in which you are called upon to vote public money and to justify the vote. In the case of sinecures, where the House of Commons was not called upon as it is now for a sum of money, it went into an inquiry upon the whole subject of the sinecure offices. That inquiry, it will be admitted, was conducted with perfect fairness and impartiality. Did that inquiry lead to any injustice to the parties interested? No. Did it lead to the contentment of the public? Yes; it put an end for ever to the outcry upon the subject of sinecures, and I am sure if a Committee be now granted, it will in like manner for ever put an end to the outcry against the pension list. I say, Sir, that the outcry against pensioners can be mainly traced to the mystery which has prevailed respecting them to the present period. Delusions have been kept up day after day, through the public press, and by means of other agencies respecting these pensions. These delusions have been increased by reason of the mystery with which the subject was surrounded, I want to do away with these delusions, and to put an end to the mystery by subjecting the whole question to a full and fair inquiry, believing that such an inquiry is calculated to remove many of the false notions now entertained upon this matter. On these grounds, then, I recommend the appointment of a Committee for an inquiry. I again say, that unless you wish to relieve the Government from all responsibility upon all future occasions you will not miss the opportunity that a new reign presents to you for inquiry.

In what manner does the question practically present itself to you? The report of the Committee upon the civil list has been laid upon the table; it is not, however, yet in the hands of Members, and consequently, I am not at liberty to go into its details at the present moment, nor to remark upon them; but it is essential to my argument to state the arrangement that has been recommended upon the subject of pensions by that Committee.

It is proposed in the report, that a provision should be made by law to enable her Majesty to grant to the extent of 1,200*l.* a year in pensions, and no more. Provision is to be made to that extent and no further; no provision is made for the former civil list pensions. I could have wished that provision had been made prospectively for those pensions. I stated my opinion in reply to the hon. Member for Southwark, when I was questioned by him upon this subject. When he asked me, "Do you mean to interfere with the pensions pending the motion of which you have given notice;" I stated to him distinctly that I had no wish to prejudge the examination by the Committee, and therefore that I did not think her Majesty ought to be advised to re-grant a single pension. But, nevertheless I asked the Committee to affirm the amount of the sum expedient, to be assigned to the branch of expenditure, reserving to the House the full examination into the pensions already granted. I say, that such a course was just.

I request the attention of the hon. Member for Southwark. I have no right to complain of him upon the subject. From his observations in reply it was plain that he agreed with me in the course that I was taking; but it has been stated most untruly that the course I followed upstairs was contrary to my declarations in the House of Commons, and that it was calculated to defeat inquiry. I now take the earliest opportunity of giving the most direct and most authoritative contradiction to the statement I have alluded to, not only as unsupported by truth, but as directly the reverse of truth; because, if one man could more than another have been careful to reserve for the future Committee, the full consideration of the propriety of re-granting every one of those pensions, I appeal to the members of the Committee above stairs to support my assertion, that I was that very individual. It did not, however, suit the opinion of the Committee to vote the definite sum which I proposed for the annual pensions.

We commence, then, upon new ground, and in some respects I rejoice that we do so. We have opened as it were a new account on the settlement of the civil list. Instead, then, of taking a sum apparently excessive, we take a sum respecting which the public can form a clear opinion, and will not differ from the Committee when it is declared that it is expedient that her Majesty should be enabled to grant 1,200*l.* in new pensions every year. Now, unless we are prepared to grant a Committee of inquiry, a very unfair arrangement has been entered into as to the earlier pensioners. We ought not to cast them off unprovided for. We ought to examine, not with jealousy and suspicion, but with justice, and even, I would say, with generosity, into their respective cases; and that, too, with a view of making a permanent provision.

The right hon. Gentleman means, I perceive, to move resolutions in opposition to my motion for a Committee, but if his resolutions be adopted will he undertake that the House of Commons will vote the money without a previous inquiry. This, Sir, is the simple question. The right hon. Gentleman had a short experience, an experience highly honourable to himself, of the duties of that office which I have now the honour of filling; I appeal to him, and ask whether does his short experience as Chancellor of the Exchequer enable him to look with confidence to a vote for an annuity of 140,000*l.* after negativing the inquiry now proposed by me? Will he undertake that his own friends will support me, if I venture to make a proposition of that kind? Has he, I ask, any doubt upon this subject? I take the liberty of saying, that at the commencement of a new reign, when it is necessary to ask for a new vote of 150,000*l.* a-year for pensions, a man must have a very slight knowledge of the state of parties or of the opinions prevailing in this country, if he thinks that he has a chance of obtaining such a vote from Parliament if he resists inquiry. I take up a contrary position, in defence of the pensioners themselves, I advocate a due inquiry into their claims. The only mode to obtain from Parliament that which it would be just for Parliament to grant—is to examine into the whole claims of the parties interested, conducting the inquiry on the principles laid down in the words of my motion, namely, "having a due regard to the just claims of the parties."

I have, Sir, little more to add upon the present occasion. I defend the course which I have suggested to the House, first, as being necessary to justify so large a vote of public money, and next, as it is as far as the resolutions of 1831 can be appealed to, that to which we are pledged by these resolutions. It is also a course to which we are pledged by Lord Althorp's report upon the pensions granted by King William the Fourth; it is a course from which we are not precluded by the principles of the act of 1782. Every thing should be presumed in favour of the earlier grants until a case is made to impeach such claims. With respect to the earlier grants, if a case of fraud or of corruption be made out, then I say, in that case, as in all similar cases, the grant of the Crown ought to be revoked, and it behoves Parliament to interfere. I do not know whether there is a greater chance of the failure of the present motion being defeated because it is brought forward by me rather than by the hon. Gentleman (Mr. Harvey). I have ventured, upon my own responsibility, to propose this motion, and upon many grounds I think that the question is one of that delicacy and importance which the Government, if prepared to support, ought to originate; if there is to be inquiry, I think that the inquiry ought to be carried on, not only with a just sense of the claims of the parties, but with a due respect to their feelings also. I think it ought to be carried on in a generous and gentlemanly spirit, so as not to indispose the public or the House towards the Committee, and prevent Parliament from giving full effect to their recommendations.

Do I mean to deprive the Committee of

the power of examining into the truth? No such thing; but from the outset it should be avowed and understood that there would not be any impertinent inquiry into private affairs in which the public have no interest. I beg to state, that unless the inquiry be carried on in a spirit of just and liberal feeling it will defeat itself. It is on this account that I think it most necessary that the examination should be undertaken upon the responsibility of the Government; and I think, too, it will have more authoritative effect upon the public if so undertaken. I doubt, nevertheless, very much whether the right hon. Gentleman will not divide more strongly when the motion is made by myself rather than by the hon. Gentleman (Mr. Harvey); it might be a matter of some Parliamentary curiosity, to know if the motion were proposed by the hon. Member for Southwark, whether more of the hon. Gentlemen opposite would not have voted with him than with me. But, whether that be so or not, I have taken upon myself the responsibility of the motion; and, in doing so, I must take the liberty of repeating that I do anticipate the votes of some hon.Gentlemen on the opposite side of the House. I find that upon former occasions many of them who are considered to be Conservatives, have supported this proposition. I shall not now go through the names of all; but I find the name of the hon. Gentleman, the Member for Kent, voting for it on a former occasion; I find, too, the name of the hon. Member for Aylesbury, and the name of the hon. Member for Frome, of the hon. Member for Caithness, that of my hon. Friend, the hon. Baronet who sits below the bar (Sir Eardley Wilmot), and that of the hon. Gentleman, then Member for Coleraine, and now Member for Stoke-upon-Trent, (Mr. Alderman Copeland). Each and all have supported such a proposition.

But it may be said, if you change your course now, why are not other Gentlemen justified in changing theirs? But circumstances call for this inquiry. The difference on which I rest is this, when former discussions, as in 1834 took place, Parliament had already settled the civil list for the Sovereign, the House is now called upon to settle a new civil list, and to vote 150,000*l.* for pensions: I cannot deny that it is just and proper to have an inquiry in order to justify such a vote. Having stated this, I shall not now stop to defend my own consistency. I know that an attack may be made upon me, and probably will be made, for the different course I have pursued upon a former, and that which I am adopting upon the present, occasion. If it be so, I shall not shrink from justifying my present course in preference to that which I took upon a former occasion; for there is a palpable difference between the two cases. But it is not the defence of my consistency which is the subject of discussion, but the merit of the question on which the House is asked to decide. Consistent or inconsistent, as I may be, I say to hon. Gentlemen fresh from their constituents, and with pledges of economy upon their lips, that now is the fitting opportunity for redeeming their pledges—we tender to them the fairest and the fullest inquiry, unfettered, and unrestricted. Nay, we say to them, by the obligations of eternal justice, by the obligations of every kind and generous feeling, the more fair, the more just, and the more honourable they consider the claims of the pensioners to be, the more are they bound to enter into that examination undertaken by her Majesty's Government.

Under these circumstances, Sir, and putting the vote upon these grounds, I take the liberty of moving for " A Select Committee to inquire how far pensions granted in virtue of 1 William 4th, c. 24, charged on the civil list, and in virtue of 2 and 3 William 4th, c. 116, charged on the consolidated fund, ought to be continued, having due regard to the just rights of the parties, and to economy in the public expenditure." I have taken the very words of the motion of the hon. Gentleman, the Member for Southwark, and I mean unreservedly to give my best assistance to the inquiries of that Committee. I now conclude, hoping, Sir, that I have redeemed my pledge of acting fairly and candidly upon this subject of the proposed inquiry.

Sir *R. Peel:* Sir, if this proposal of the right hon. Gentleman, the Chancellor of the Exchequer, involved merely some consideration of temporary policy or expediency, I might have felt myself at liberty to advert to some of the considerations to which he has referred for the purpose of enabling me to decide upon the course which I should pursue. I might possibly have occupied myself, as he has done, in ransacking the past votes of Members upon this side of the House—

I might have referred to pledges given to constituents; I might have contented myself with a vehement protest and violent declamation against the proposed inquiry; and, having done so, I might have imitated the recent example of others, and tried to evade a vote upon this question. But, if the proposal does not merely involve considerations of prudence and policy—if it violates as I will show it does violate, the principles of equity and justice—then I care not how the votes of my friends may have been given upon former occasions; I care not whether this be a favourable opportunity for bringing, or not, parties into collision; I am determined, in satisfaction of my own feelings, and in vindication of the eternal interests of justice, by my vote, at least, upon the division, of which the right hon. Gentleman shall not be disappointed, whatever bearing it may have upon party interests, to shew the sincerity of my own conviction. It is said the pension list is unpopular; that it will be a popular measure to consent to its revision. Yes; but if that revision be unjust, the popularity of it is no argument in its favour. It is, no doubt, prudent, it is right, in respect to measures involving merely considerations of expediency, I will not say, to defer, servilely, to popular feeling, but to permit it to enter largely into the elements of your decision. A measure may be abstractedly wise, and highly beneficial in its ultimate results; but if the public mind be not ripe for its reception, if it be revolting to the feelings, the prejudices, the passions of the present generation, there may be more evil in provoking opposition and in disturbing public harmony, than in abandoning or postponing a wise but unpalatable measure. Even the interests of the measure itself may require its temporary abandonment. But this is not true where justice is concerned. Resistance to a measure which inflicts wrong may be very unpopular; but, on that very account, the duty of resistance may be the more imperative. Then is injustice the most dangerous, when its deformity is covered under the veil of plausible pretences of economy, or recommended by the supposed sanction of the public voice, or when it is called for by the vindictiveness of party feeling, disguising itself under the semblance of superior purity. It is because I am deeply impressed with these truths, that I shall proceed to consider the proposal now made under two aspects. First, as it would present itself, independently of the transactions of 1831; that is, independently of all that occurred on the settlement of the civil list of King William. Secondly, as it does actually present itself, changed in its features and colours by the events of 1831.

Let us place ourselves, then, in the position in which Parliament and the Government stood in 1831. We find that the invariable preceding usage had been, on the accession of a sovereign, to respect the grants of his predecessors. There is not a solitary instance, since William 3rd succeeded to King James, in which the pensions granted by one king have been discontinued by his successor. We wish to establish new regulations in regard to the grant of pensions, to confine the future grant to the reward of acknowledged merit, to exclude the operation of mere personal partialities and favour, to make all future pensions liable, on the demise of the Crown to revision; and if we think fit, to discontinuance. Nothing can be more unquestionable than our right to do so. But what course shall we take with respect to pensions actually existing? to the pensions granted in conformity with the uniform preceding usage, and on the presumption of the continuance of that usage, believed by the grantor and the grantee to be renewable on a fresh accession? We may doubt the policy of such grants in some instances; we may think there has been, occasionally, too lavish a distribution of royal favour; but if it have not exceeded the bounds prescribed by Parliament, are we called upon, by justice or policy, to apply a new rule of retrospective severity? What is the probable profit we shall derive from it? [*Cheers.*] Oh! do not suppose I give your sordid construction to the word profit! I do not mean the mere lucre—the amount in pounds, shillings, and pence, that a great nation can screw out of a few pensioners. I take profit in its comprehensive sense. I include, in my meaning of national profit, abuses detected, corruption brought to light, prodigality checked;—I include, all the influences of exposure, of punishment, of example.

But what is your prospect of profit, of combined profit, pecuniary and moral? Let us take the English pension list as it stood in 1830, on the demise of George 4th. Upon that list there are 383 pensions. Out of that number there are only fifty-eight which have been granted by any Minister now surviving. Nineteen of these were granted by Lord Sidmouth more than thirty-three years since. Out of the total number of 383 pensions, there are only thirty-nine granted within the last thirty years, of which the Ministers who granted them are living to give an account. The pensions granted for considerations of charity, you will probably not seek to disturb; those granted as the reward of acknowledged service, will probably be respected; those of a very remote date,—those, in respect to the motives for granting which no responsible Minister can be summoned to answer, can hardly be withdrawn in the absence of all satisfactory evidence, unless there be very strong presumption of corrupt motives for the grant. The Report of 1831 expressly states, that many of the pensions, in reliance on their permanence during the lives of the parties, have been made the "subject of family settlements and pecuniary arrangements of various kinds," which it would be harshness and injustice now to disturb. In respect to pensions granted from mere considerations of charity, the following is the testimony of Lord Althorp, who did not propose the arrangement of 1831 blindly and inconsiderately, but after a minute review of the pension list, and a reference to individual grants upon it. In speaking, on the 4th of February, 1831, when the question was entirely open to the consideration of Parliament, when the House was much more at liberty, as I will presently show, than it now is, to enter upon an inquiry into the Pension List, when Lord Althorp was as much unfettered as the youngest Member of the House of Commons now present, he gave this account of the general circumstances under which pensions had been granted. His Lordship said:—

> "I shall now proceed to state the grounds which induce me not to take away from their owners any pensions that now exist. It is certainly true, and no man is more ready to admit it than I am, that many of the pensions on that list are such that ought never to have existed; but, on the best examination that I have been enabled to give them, it appears that a large majority of these pensions are purely pensions of charity, and therefore to take them away now, after they have been so long enjoyed, will be to inflict great distress on many individuals. I admit that the House has a legal right······but I doubt whether it has an equitable right, to discontinue them."

Adverting, then, to the fact, that a large majority of these pensions were granted from mere charity—that many of them, though the propriety of the original grant might be questioned, have been made, as stated in the Report of 1831, the subject of domestic settlements and pecuniary arrangements of long standing—considering that only fifty-eight pensions out of the 383 on the civil list of England have been granted by any surviving Minister —I ask the House, without reference to what passed in 1831, what they can hope to gain in point of economy, from the most rigid scrutiny into the pension list?

You may answer, that economy, that pecuniary gain, is not your object; that you have higher ends in view; that you want to scrutinize the acts of Ministers, to trace the motives for the grant of suspected pensions, to expose the grounds on which the public money has been lavishly wasted on unworthy objects. But how many of these Ministers survive? Where will you find the evidence by which you can ascertain the grounds on which they advised a particular pension? And do you, who refused to inquire in 1831—do you, who have let seven years, and a whole reign elapse; who have thereby confirmed the impression that you were averse to inquiry; who have, by your own acts, justified the destruction even of such evidence as might have been accessible in 1831—do you think it a just or a decorous course now to arraign the memory of those who are in their grave, and have not the means of justification or defence? From the date of the earliest pension to the accession of King William 4th, there have been eleven Ministers holding the office of First Lord of the Treasury, and responsible for the grant of pensions. The Duke of Grafton, Lord North, Lord Shelburne, Mr. Pitt, Lord Sidmouth, Lord Grenville, Mr. Perceval, Lord Liverpool, Mr. Canning, Lord Ripon, and the Duke of Wellington, have successively held this appointment. Three only of the eleven are now surviving; namely, Lord Sidmouth, Lord Ripon, and the Duke of Wellington: Lord Sidmouth is accountable only for pensions granted before the year 1805. I ask, then, what is your prospect that you can now make an effectual inquiry, consistently with the principles of justice, for the purpose of passing judgment upon the acts and the intentions of those Ministers of the Crown by whom pensions have been heretofore granted?

Suppose they were all alive, and able, in person, to explain their acts, would it be just to try their conduct by the test of newly-assumed principles?—to apply to their conduct a standard of which they were wholly unconscious?—to subject them to a rule to which neither Parliament nor public opinion invited them to conform? The right hon. Gentleman quotes Mr. Burke, and cites Mr. Burke as an authority for the inquiry he is about to institute. But in the first place, when Mr. Burke delivered his speech on the reform of the civil list in the year 1780, the circumstances were wholly different. The civil list was in debt, the Crown applied to Parliament for the discharge of that debt; and thus gave Parliament the clear right of investigating every item of expenditure (the pension list included) before it consented to an extraordinary advance of money, for the purpose of relieving the civil list from debts not sanctioned by Parliament. In the second place, notwithstanding this altered position of the civil list, which would have prevented Mr. Burke's opinion, had it been in favour of inquiry, from being an authority to which the right hon. Gentleman could appeal, Mr. Burke's opinion was directly against inquiry; and, so far from affording a sanction, supplies a striking and peculiar condemnation of the right hon. Gentleman's conduct. That opinion is of the more importance, because it indicates the prevailing feeling of the House of Commons of that day; of that part of the House of Commons which was most jealous of the influence of the Crown, and which was demanding measures of practical reform with respect to the civil list expenditure. Surely, the Minister who conformed to that opinion, must have thought himself safe from any subsequent impeachment of his acts. Mr. Burke said:—

> "The King, Sir, has been, by the constitution, appointed sole judge of the merit for which a pension is to be given. We have a right, undoubtedly, to canvass this, as we have to canvass every act of Government. But there is a material difference between an office to be reformed and a pension to be taken away for demerit. In the former case, no charge is implied against the holder; in the latter, his character is altered, as well as his lawful emolument affected. The former process is against the thing, the second against the person. The pensioner certainly, if he pleases, has a right to stand on his own defence, to plead his possession, and to bottom his title in the competency of the Crown to give him what he holds. Possessed, and on the defensive as he is, he will not be obliged to prove his special merit in order to justify the act of legal discretion. The very act, he will contend, is a legal presumption, and an implication of his merit. If this be so (from the natural force of all legal presumption) he would put us to the difficult proof that he has no merit at all. But other questions would arise in the course of such an inquiry; that is, questions of the merit, when weighed against the proportion of the reward; then the difficulty will be much greater. The difficulty will not, Sir, I am afraid, be much less if we pass to the person really guilty, in the question of an unmerited pension—the Minister himself. I admit, that when called to account for the execution of a trust, he might fairly be obliged to prove the affirmative, and to state the merit for which the pension is given; though, on the pensioner himself, such a process would be hard. If in this examination we proceed methodically, and so as to avoid all suspicion of impartiality and prejudice, we must take the pensions in order of time, or merely alphabetically. The very first pension to which we come, in either of these ways, may appear the most grossly unmerited of any. But the Minister may very possibly show—that he knows nothing of the granting of this pension—that it was prior to his time—to his administration—that the Minister who laid it on is dead; and then we are thrown back upon the pensioner himself, and

plunged into all our former difficulties. Abuses, and gross ones I doubt not, would appear, and to the correction of which I would readily give my hand; but, when I consider that pensions have not generally been affected by the revolutions of ministry, and as I know not where such inquiries would stop, and as an absence of merit is a negative and loose thing, one might be led to derange the order of families, founded on the probable continuance of their kind of income. I might hurt children: I might injure creditors. I really think it the more prudent course not to follow the letter of the petitions. If we fix this mode of inquiry as a basis, we shall, I fear, end as Parliament has often ended under similar circumstances. There will be great delay, much confusion. much inequality in our proceedings. But what presses me most of all is this, that though we should strike off all the unmerited pensions, while the power of the Crown remains unlimited, the very same undeserving persons might afterwards return to the very same list; or if they do not, other persons, meriting as little as they do, might be put upon it to an undefinable amount. This, I think, is the pinch of the grievance. For these reasons, Sir, I am obliged to waive this mode of proceeding as any part of my plan. In a plan of reformation, it would be one of my maxims that, when I know of an establishment which may be subservient to useful purposes, and which at the same time, from its discretionary nature, is liable to a very great perversion from those purposes, I would limit the quantity of power that might be so abused."

The security against abuse which Mr. Burke proposed, was the limitation of the power to be abused; that is, the appropriation of a specific sum from which pensions might be granted, and which must on no account be exceeded. He did not seek to define the proper objects of royal favour; he laid down no regulations controlling the distribution of it; and of course, therefore, he left it to be inferred, that the Crown had the discretionary power to grant pensions, not merely for the reward of official service, but for the support of decayed rank, or for the gratification of the private feelings of the Sovereign, or for any of the various motives which influence an opulent and liberal nobleman, in private life, in bestowing marks of grace and favour, or rewarding the fidelity and attachment of humble friends. No doubt, if there were abuse,—if the pension fund were prostituted to the purposes of corruption, —the abuse would not be protected from inquiry, on showing sufficient grounds of strong suspicion; nor from punishment, if proof of corruption could be established. But there has been no concealment of the names of those now in the receipt of pensions; every name has been repeatedly published; and yet there has been no allegation of corruption in the grant of pensions; there has been merely the assertion that the Ministers of other times did not conform to doctrines, with regard to the favour of the Crown, which they never heard of, and did not anticipate—regulations, in respect to pensions, which were established after their death. What a mockery of justice will it now be, either to deprive the grantee of his pension, or to impeach the grantor for his misconduct!

So much for the considerations which would appear to me to call for the maintenance of all pensions existing previously to the accession of the late King, quite independently of the transactions of 1831. I now approach the discussion of that part of this question which rests upon the transactions of 1831, and my object will be to show that it is nothing short of absolute and flagrant injustice, after what then took place, now to revise that pension list.

What are the circumstances of the case? George 4th died in 1830. It was necessary, in the course of the year 1830, for the Government of the day to propose a new arrangement of the civil list. They did propose it; and, on their responsibility, submitted it to the consideration of Parliament. A motion was made, by the opponents of the Government, for referring the civil list to a Select Committee. The Government thought it their duty to resist that motion. The motion was, however, carried by a majority of 29; and, in consequence of that majority, the Members of the Government retired from office. A new Government was appointed, owing its accession to power to this very question of the consideration of the civil list by a Committee; and, of course, every person was alive as to the course which the new Government would pursue. Lord Grey came into office as First Lord of the Treasury, and Lord Althorp as Chancellor of the Exchequer. Lord Althorp moved for a Select Committee on the civil list, and that Select Committee made a full and detailed report upon the subject of pensions. That Committee was appointed by Lord Althorp, as Chancellor of the Exchequer; was presided over by him as chairman; the report was indited by Lord Althorp, and was assented to by the Committee. In the report of the Committee, so appointed by the Government which succeeded the Government of the Duke of Wellington, it is stated, distinctly:—

"It is more than probable, therefore, that parties relying on an adherence to an invariable custom, have made family settlements, and pecuniary arrangements of various kinds, with all of which his Majesty must necessarily interfere, should the continuance of these pensions, for the first time, on his accession to the throne be refused. Adverting to all the circumstances of the case,—considering that no material relief to the finances of the country could be derived from the most rigid measures of retrenchment applied to the pension list; that in many cases severe distress, in some actual injustice, would arise to individuals from the general discontinuance of pensions; that such discontinuance on the occasion of his Majesty's accession, would be a departure from an usage invariably observed on the accession of his Majesty's predecessor,—your Committee do not think it advisable to withdraw from the Crown those funds which may enable the Crown, if it shall so think fit, to continue the pensions on the civil list of his late Majesty."

How could the right hon. Gentleman refer to this report, and assert that it was an authority for the course he is now pursuing? I shall be disappointed, indeed, if I do not convince the House that whatever else the right hon. Gentleman may have shown, he has at least manifested a degree of intrepidity which is without parallel. He says, that he finds in the report of the Select Committee—that Select Committee which had Lord Althorp at its head—that they contended for the right and equity of revising pensions. Why, no doubt they did, of revising pensions of a certain and particular description; but, if this report means anything, it means this,—that with respect to pensions granted before the accession of the late King, in respect of which an invariable usage had been observed, those pensions ought to continue, and ought to be exempted from revision. What says the report?—

"These observations, however, do not apply to the grant of future pensions on the civil list: if granted with a distinct notice to the individuals receiving them, that they are not only legally terminable on the demise of the Sovereign by whom they have been granted, but that they are liable to be revised or discontinued on the settlement of a new civil list, there can be no obstacle to the reconsideration at that time of the then existing pension list."

And yet the hon. Gentleman, concealing the distinctions so plainly and unequivocally drawn by the report, between pensions granted without notice of revision, and pensions granted with such notice, appeals to this report as an authority for the revision indiscriminately of all pensions whatever! The right hon. Gentleman then appeals to Lord Althorp as an authority in his favour. He says, "Would the ingenuous Lord Althorp have countenanced the impression that pensions could not be revised on the demise of the Crown?" Why, what was the whole purport of the language of Lord Althorp, and the whole tenor of his proceedings, on this very question? It was a decided maintenance of the principles of the Report of the Committee; a decided maintenance of the distinction between preexisting pensions, and pensions to be granted in future. And what was the position of Lord Althorp and of Lord Grey? They had no interest in maintaining the old pension list. If they had been influenced by grovelling motives of party hostility, or of vindictive feeling against Ministers whom they had opposed, they would have called for inquiry into the pension list. But they were influenced by higher motives; they thought it was indecorous towards the Crown, unjust towards those who had been the objects of the royal favour, that a Committee of the House of Commons should scrutinise the motives, in each individual case, which had prompted the liberality of the Crown. They refused to institute an inquiry; and Parliament sanctioned their refusal.

It is necessary that I should refer to the precise expressions used by Lord Althorp, —not in 1834, when he opposed the inquiry then proposed into the pension list, on an additional and distinct ground,—but in 1831, when the question was entirely open to Parliament, and when Lord Althorp was as free, nay, infinitely more free, than we now are, in consequence of what then took place. Lord Althorp said:—

"I admit that the House has a legal right to take away all these pensions if it pleases. They certainly expire with the demise of the Crown; but though the House has a legal right to discontinue them, I doubt whether it has an equitable right, for they have hitherto always been granted on the supposition that, when once obtained, they were to be held, not merely for the life of the Sovereign who granted, but also for the lives of the parties who held them."

This was the language which Lord Althorp used, dissatisfying many of those who had hitherto supported him. Mr. Portman, the Member for Dorsetshire, came down to the House before the question for the settlement approached, and, remonstrating with the noble Lord, said, "Beware, lest you should be overruled by a hostile majority of the House, and lose the confidence of those who have hitherto supported you." What was the language employed by his Lordship in answer to this,—by a Minister who knew that the pension list was unpopular; to whom it was signified that the abandonment of his opinion on that question must be the condition on which he would retain the support of his friends? What was the answer which he gave to the warning, "Beware, lest you provoke a hostile feeling amongst your former supporters, and be overruled in the House?" It was this,—and so noble, so high-minded, was it, that Lord Althorp, and his friends may for ever refer to it with proud feelings of satisfaction heightened by the contrast with the present proceedings, —the following was the reply of Lord Althorp to the caution and menace of Mr. Portman:—

"On the subject of the pensions I beg to say a few words. I can never conceive it is my duty as a minister of this country, or of the House, as a part of the Legislature, to take advantage of a technical point of law, in order to do what in my conscience I believe to be unjust. The pensions in question, as I stated on Friday, were considered, and always have been considered, as granted for life. It is undoubtedly true, that by taking advantage of a technical point of law, those pensions might be made to expire on the demise of the Crown. There would be a strict legal justification for making them so expire; but I put it to the House—I put it to the country, whether it would be a worthy cause for Government to take advantage of such a circumstance, and whether the relief which would be thereby obtained could be put in competition with the discredit of such a proceeding. Having said this, I have only to add that I await the decision of the Committee and of the House with the deference and respect to which it is entitled; and that it is my most earnest wish that I may be able to comply with any alterations or modifications which may be suggested. At the same time I must observe, that I can never consider myself as bound to submit to the decision of any Committee, or of the House itself, or of any other power whatever, if that decision should involve in it what I deem to be an act of injustice."

Now, let me ask, what was the legitimate inference which parties entitled to pensions must have drawn from this? They did not look to technicalities, or ponder over nice verbal distinctions. They saw a great revolution in the Government, —one party dispossessed of power, the other succeeding to it. They saw that the question of the civil list was the instrument by which the mighty change was effected. They saw the new Ministers adopting the principles of the old, with respect to inquiry into the pension list; and the Legislature approving the principle thus held in common by the great parties of the

State, and advisedly and deliberately sanctioning, at the very time that departure from it was within their competence, an adherence to that which had been the invariable preceding usage. Could they entertain a doubt that, so far as the past was concerned, the question was settled for ever? and that their pensions were guaranteed to them for their lives, not, perhaps, by the letter of an Act of Parliament, but by the higher sanctions of the public faith, and the honour of the Crown and Parliament?

But, supposing it had been foretold to them that the proposal for inquiry would be made on the accession of a future Sovereign, the last man in the House from whom they could have expected such a proposal is the Chancellor of the Exchequer. He was the colleague of Lord Althorp at the Treasury, the confidential secretary of the department over which Lord Grey and Lord Althorp presided. He is the man on whom they would have relied for protection. That reliance would not be founded on the mere fact of official connection with others; it would be justified by all the acts and declarations of the right hon. Gentleman himself. I am not about to taunt him with inconsistency in respect to a political course. If he has changed his opinion in a question of policy, let him manfully avow it. Policy may change its aspect, varying its chamelion hues according to the vicissitudes of human affairs. But, surely, justice cannot. That which was expedient in 1830 may, possibly, be the reverse in 1837; but that which was injustice in 1830, cannot be justice in 1837. I will take some of the declarations of the right hon. Gentleman, and I will leave the House to judge whether the parties, to whose interests they referred, had not a right to expect that they should find in him their most strenuous defender. While I am reading these extracts, I must ask you not to confound my speech with his. The sentiments are identical, the quotations are so appropriate, so exactly becoming my present position, that you will hardly believe that the speech which I am reading is any other than my own. The right hon. Gentleman said:—

"You passed those acts with your eyes open, and why should the House of Commons now be called upon, at the suggestion of the hon. Member for Colchester, to go into the most fruitless, the most painful, and I will say, into the most disguisting inquiry?"

Now if that inquiry would have been painful in 1834, would it not be equally so now? If it were disgusting then, shall we be betrayed into it now? I proceed with the quotation:—

"I do not quite understand that cheer from hon. Gentlemen opposite. Undoubtedly such an inquiry must necessarily be painful and disgusting to the good feeling of all mankind."

After this declaration, I ask, would not the parties whose cases are thus spoken of have a right to calculate, whoever might propose such an inquiry, that the Chancellor of the Exchequer, at least would not be the man? If one of them were told that such an inquiry were threatened, he would say, "I have looked to the Speech of Lord Althorp and to that of the then Secretary for the Treasury, who is now the Chancellor of the Exchequer, and I find that both of them have declared themselves against such a proceeding,—that the latter has even characterised it as fruitless and disgusting; and, looking at these declarations, I have a perfect security, as perfect a security as can be grounded upon the characters and pledges of public men, that the family settlements and pecuniary arrangements into which I have entered, depending upon the continuance of my pension, will not be disturbed." Suppose the case of a military officer of limited means, the holder of a small pension, casting about to see what provision he can make for those dependent upon him for support. His attorney says, "This pension is only given for the life of the Crown, and therefore it is not such a security as is good for a settlement, or for the advance of money." To this the military officer replies, "I have perfect confidence that my pension is safe; the declarations of public men on both sides unite to assure it to me. You (the attorney) are the slave of technicalities; you do not understand that species of security which is above the words of a deed or the letter of a law. Read the Speech of Lord Althorp, read that of the hon. Secretary of the Treasury, who succeeded him in the Exchequer, and then say whether I am not safe—whether the provident foresight of Mr. Rice has not guaranteed my pension?" The military man would then read with exultation, to the astonished attorney, the following speech of the Chancellor of the Exchequer:—

"Let me suppose the case of a meritorious military officer; suppose such officer to have received a pension for years; is this House disposed to call upon him either to forfeit the grants to which he has now a legal right, or to come before a Committee to recite his services, proclaim his own merits, to make out a case, and substantiate his claim to what his Sovereign has granted? Why, Sir, I say that this is a species of inquiry whch must necessarily be painful to every well-regulated mind."

"There," says the military officer, "there is my security. While this man remains in office, I shall never have to loiter about the lobbies of the House of Commons, inquiring for the Committee Room No. 13., where I am to recite my case, and proclaim my merits, and justify the suspected bounty of my sovereign."

Mr. Rice said further:—

"I should like to know what it is that hon. Gentlemen propose to themselves if they go into Committee. I only beg to state to the House, as among my objections to this inquiry—I only ask them, as practical men, what they expect to extract from it, unless, indeed (this was addressed to the hon. Member for Southwark)—unless indeed they proceed upon motives which I will not attribute to any hon. Member—motives of undue curiosity, and a desire to investigate the private circumstances of individuals? But we are told by hon. Gentlemen opposite, that they seek to trace the origin of these grants. Now, the hon. Member for Bath stated that most of those who were the responsible advisers of these grants are no more—their evidence and their responsibility are therefore alike excluded. Are we, then, to call all the parties who are themselves in the receipt of these pensions before us, and the responsible Ministers who advised them not being in office or in existence—are we to go into an examination of the private case of each of these parties? If so, what is to be the course of your inquiry, and how are you to conduct it? I cannot imagine an inquiry that could by possibility be of so disagreeable a character; I cannot imagine an inquiry so painful not only to the feelings of those who are the subjects of it, but to those who have to conduct it. I only ask the Gentleman, whoever he may be, who is a candidate for the honour of the future chair of this Committee, whether he anticipates any very useful or agreeable duty."

I repeat this question of the Chancellor of the Exchequer. I ask the Gentleman, whoever he may be (it cannot be the Chancellor of the Exchequer), who is a candidate for the honour of the future chair of this Committee, whether he anticipates any very useful or agreeable duty? I ask you, the House of Commons whether you will sanction this "fruitless and disgusting inquiry," which, seven years since, your predecessors refused to enter into? Remember, that your position is different from theirs; that seven more years have elapsed,—that a whole reign has intervened,—that evidence which might have been had in 1831 is no longer attainable in 1837,—that expectations entertained in 1831, founded upon the uniform preceding usage, have been converted into certainty by the deliberate re-adoption of that usage. Remember that of the whole list of the pensions there is but a fraction for which any living Minister can answer; that those Ministers who, fretted to premature decay by the restless agitation of political life, are now in their graves, entertained, and were justified in entertaining, different views from yours with regard to the grant of pensions. They little dreamed, after rewarding with a moderate pension the faithful services of some confidential servant, the depository of all their secrets, the sharer of all their labours, that years after their death, in the absence, possibly, of all evidence, the motives of the grant would be scrutinised with unsparing severity, and tried by inapplicable tests and new and unheard of principles.

Consider the life,—the life of intolerable labour and care,—the briefness of the career,—the causes of the death of many of those who have reached the summit of precarious power in this country! Look back upon the history of this country, from 1804 to 1830, a period of twenty-six years, and you will find that death has swept away all the Ministers, with two exceptions, who had successively presided over the destinies of this country during that eventful period, and that the united tenure of office by these two embraces only three out of twenty-six years. Call to mind the fate of Castlereagh, of Canning, of Liverpool, whose deaths were hastened by their devotedness to the service of their country! I shall never forget the words addressed to myself by Lord Liverpool but a few days before that fatal blow which ended in his decease, when I remarked to him, with satisfaction, that I thought him looking better than I had seen him for some time previously. "Ah!" was Lord Liverpool's reply, "no man knows what it is to have been the Prime Minister of England for seventeen years, and never, during that period, to have received his letters by the post in the morning without a feeling of anxiety and apprehension." The Ministers are in their graves. These pensions were granted by their advice. They are unable to give an account of them, or of the grounds upon which they were given. Do you think it just,—do you think it decorous towards their memories, to ransack with severity their advice to their sovereign with respect to the distribution of the royal favour? Would it have been fitting to do so in 1830? Is it tolerable in 1837?

William 4th. has descended into the tomb of his ancestors. He has been succeeded by a sovereign in the bloom of youth and promise. That painful and revolting inquiry which we would not sanction when a king of mature age ascended the throne,—shall we insist upon it now? Shall we take advantage of the tender age and unsuspecting confidence of a youthful Queen, to demand those scrutinies into acts of royal favour which were characterised at a previous accession, not merely as fruitless, but disgusting? There is not a pension on the list which was not granted as the reward of service, or the mark of favour, by the grandfather of the present Queen, George 3rd, or the succeeding sovereigns, her uncles. Shall her first act be to question the exercise of their discretionary favour, and put upon their trial the objects of their bounty? Shall she, who is the fountain of honour, of grace, of privilege, of favour, be forced to this act of unusual severity and harshness? You have offered to her the respectful assurance, that the Commons of England will make ample provision for all that can contribute to her personal comfort, or enable her to maintain the high dignity of her exalted station. Let not the kind and grateful feelings which this assurance must excite in her mind be embittered by the sad reflection, that she, of all sovereigns, is the first who has been called upon to depart from the liberal and generous usages of her ancestors—the first upon whom has been imposed the harsh and painful necessity of rudely invading those family settlements and domestic arrangements which were made in just reliance upon the permanence of royal protection. I will now conclude by moving the following resolution, as an amendment; to leave out from the word "That" to the end of the question, in order to add the words—

"That upon the occasion of the accession of his late Majesty, King William 4th, a Select Committee was appointed in 1831, on the motion of Lord Althorp, then Chancellor of the Exchequer to take into consideration the accounts presented by order of his Majesty relating to the civil list.

"That the Committee so appointed took into consideration, together with other classes of the civil list, that of the pensions, and after stating that they felt it to be their duty to explain to the House fully the case in respect to pensions, made in their report the following, among other observations:—'At the same time, it would be a harsh measure to overlook, on this present occasion, that which has been the uniform usage on all former settlements of the civil list. Pensions, on the civil list, have always hitherto been considered to be granted for life, and, in fact, no instance has occurred wherein a pension on the civil list granted by one Sovereign has been discontinued on the accession of his successor. It is more than probable, therefore, that parties relying on an adherence to an invariable custom, have made family settlements and pecuniary arrangements of various kinds, with all of which his Majesty must necessarily interfere, should the continuance of these pensions, for the first time, on his accession to the Throne be refused. Adverting to all the circumstances of the case, considering that no material relief to the finances of the country could be derived from the most rigid measures of retrenchment applied to the pension list; that in many cases severe distress, in some actual injustice, would arise to individuals from the general discontinuance of pensions; that such discontinuance on the occasion of his Majesty's accession would be a departure from an usage invariably observed on the accession of his Majesty's predecessors, your Committee do not think it advisable to withdraw from the Crown those funds which may enable the Crown, if it shall so think fit, to continue the pensions on the civil list of his late Majesty. These observations, however, do not apply to the grant of future pensions on the civil list; if granted with a distinct notice to the individuals receiving them that they are not only legally terminable on the demise of the Sovereign by whom they have been granted, but that they are liable to be revised or discontinued on the settlement of a new civil list, there can be no obstacle to the re-consideration at that time of the then existing pension list.'

"The Committee proceeded to recommend that the pension lists of England, Scotland, and Ireland should be consolidated into one alphabetical list; that pensions to the amount of 75,000*l*., on the first part of the list should be placed on the civil list, and the remainder charged to the consolidated fund.

"That his Majesty's Government proposed, and Parliament sanctioned, measures in respect to the civil list pensions, founded upon the recommendations of the Committee, and in precise conformity with them, making provision to enable the Crown, if it should so think fit, to continue the whole of the pensions on the civil list of King George 4th.

"That, at a subsequent period, the House of Commons passed resolutions in respect to the grant of all future pensions by the Crown, expressing an opinion that they ought to be confined to such persons as had just claims on the royal beneficence, or who, by their personal service to the Crown, by the performance of duties to the public, or by their useful discoveries in science, and attainments in literature and the arts,—have merited the gracious consideration of their sovereign, and the gratitude of their country.

"That it appears to this House, that the course advisedly taken on the accession of his late Majesty, by the Crown and Parliament, was calculated to justify increased confidence in the continuance of the then existing pensions, and in the permanence of 'family settlements and arrangements of various kinds,' made by parties 'relying on the adherence to invariable custom,' and that whatever harshness or injustice there might have been, on the accession of his late Majesty, in overlooking on that occasion the uniform preceding usage, would, on the present occasion, be greatly aggravated, not only by the lapse of time, and the intervention of a whole reign, but by the direct sanction given in 1831 by the Crown and Parliament to an expectation that the principles then acted on, so far as applicable to the then existing pensions, would be thereafter adhered to.

"That, under these circumstances, it is the opinion of this House, that regulations having been established in respect to the grant of future pensions, and precautions having been taken in respect to the revisal or discontinuance of them on new settlements of the civil list; it is advisable now to make such provision as shall enable the Crown, if it shall so think fit, to continue those pensions which were continued by the Crown on the accession of his late Majesty, or which were granted by his Majesty."*

Lord *Eliot* had not the presumption to rise for the purpose of adding to, or even confirming by any observations of his, the splendid and convincing arguments of the right hon. Baronet who had just sat down, in support of the amendment which he had moved at the end of his speech. He merely rose, as an individual member, to answer the challenge of the Chancellor of the Exchequer, who called upon the Members who had recently returned from amongst their constituents to express their opinion on this subject; and in so doing he should explain the reason of the vote which he should afterwards feel called upon to give on the motion before the House. He really was quite unaware, before he heard the speech of the Chancellor of the Exchequer, that there was any intention to apply the inquiry moved for to any pensions granted antecedent to the year 1830; he thought that it could only have been intended on the part of Government to apply it to those granted subsequently to that period. The right hon. Baronet had admitted in his resolution that the case was very different, in a Parliamentary point of view, between the latter and the former. With respect to the motion of the Chancellor of the Exchequer, he thought that every Member who voted for it, who had voted with the right hon. Gentleman on former occasions in respect to this very subject, would be called upon to state his reasons for considering that an inquiry which would have been fruitless and disgusting in 1830 would have become wise and proper in 1837. The right hon. Gentleman, in coming forward to make this proposition, alluded to the state of parties in this House, and seemed to shrink from the disgrace of being left in a minority, and of sacrificing some small share of popularity out of doors. Her Majesty's Government should recollect that many of these pensions had been granted as far back as the year 1780; that it had been the invariable practice of Sovereigns of this country to grant such pensions upon grounds which seemed sufficient, and of their successors to confirm them. He believed that hitherto no Minister of the Crown had ever stood forward to advise the Sovereign to depart from this principle, and that the right hon. Gentleman (the Chancellor of the Exchequer) was the first Cabinet Minister who had ever come forward to advise a Sovereign of these realms to venture upon a step of so much acknowledged hardship and difficulty. He thought that no one should receive a pension on any other grounds but those of services rendered to the public, and in no case upon considerations which might not be openly stated to the world. But the question which they now had to decide was, whether that principle should be applied retrospectively? He was aware that there were a great number of persons connected with high and noble families in the kingdom who enjoyed some of these pensions, and he must say that he should be glad to see many of these individuals come forward and withdraw their names from the pension list. He had only one more observation to make. It was in reference to a powerful and eloquent speech which he had heard on a former occasion from the hon. Member for Southwark, in the course of which the hon. Member taunted the Conservative party of England with, whilst they stood up for the inviolability of the pensions granted to persons in higher rank, consenting to the alleged cruelties and hardships practised upon the poorer recipients of public bounty under the new Poor-law Act. He did not wish to enter into the accuracy of the latter allegations against the Poor-law Act; all he would say was, that one case of cruelty or hardship could not justify another. What he should advise would be, to leave to the dependents on the Poor-rates of the country the pittances they had been accustomed to receive, and in like manner to those in higher life the pensions to which, he conceived, the honour and dignity of the country were pledged.

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* From a corrected Report.

Mr. *H. G. Ward* assured the House, that he never felt more reluctance in rising to address the House than he did when he followed a man enjoying talents and influence like those of the right hon. Baronet whose speech he had just heard. He must be permitted to say, however, with all his admiration and respect for the abilities of that right hon. Gentleman, that he thought his arguments were based on such mistaken principles, that they could not command that weight and consideration, which all that fell from the right hon. Baronet generally did. The right hon. Baronet called upon the House to proceed upon the dictates of justice. But who was to decide what the justice of this case was? Were there not two parties whose claims were to be considered—namely, the persons whose names were on the pension list, the recipients of the public bounty, and the people who contributed the funds, whose Representatives he and hon. Gentlemen there were? Between these two parties the House of Commons had to decide, upon a simple question of justice; and for his own part he could declare that no taunts or insinuations should deter him from doing what he considered right and equitable. The party on his side of the House were taunted with being driven to support this motion by the apprehension of losing some portion of their popularity out of doors. For himself he could only say, that he came into this House in 1833 strongly convinced that the abuses of the pension list were great; but he had always supported the arrangement which had been entered into between the Government and the House of Commons on the subject, because he considered that the practical justice of the case required it. If he voted this evening in a way which seemed inconsistent with his previous line of conduct in reference to this question, he begged to say that it was not because he happened to represent a larger constituency than he did before, nor with the slightest view to catching a little temporary popularity. He should give his vote as he to-night intended to do because he considered the case to be now entirely altered from what it was before. They were now for the first time in a condition to consider the pension list with a mind perfectly free and unfettered by any previous arrangement. They could now, therefore, freely do their duty to the people, whose representatives they were, tempered at the same time with every feeling of leniency and consideration towards those who depended in a great measure upon public liberality for the means of subsistence. But he would say that Parliaments had a right to examine the list of these individuals, in order to see that there was at least some shade of a plea of public service to warrant the continuance of these allowances. He was not an opponent of a properly regulated pension list. Far from it. He believed that in a country like this, where there were so many roads to distinction and fortune opened to men of ability and acquirement, if they did not hold out the expectation of a permanent provision to those who devoted their services to the public good, they would exclude all men of talent from the public service except those who were connected with large hereditary estates. It was always most repugnant to his feelings to see men who had wasted their strength and faculties in earlier life in the public service discarded in their more advanced years, and left to beggary and want. He had always considered it disgraceful to America that such men as Jefferson, who had sacrificed to the public cause talents which, if exerted in other ways, would have ensured fortune and honours for life, should be deserted without provision in their declining years. He had witnessed a delightful instance the other day of the principle that great public service should meet its reward even after a long lapse of years; and he could wish that all faithful public servants should be treated as the East India Company had recently acted towards the Marquess Wellesley. If treated in this light, a pension list would then, indeed, be sacred to all who loved the glory and prosperity of their country. He would go further, also, and allow that private secretaries to ministers, even though their public services were not so signal, should not go unrequited. But when he looked at that list, and found on it the names of the wives, the mothers, the aunts, and relations of some of the richest aristocrats, he felt that, however noble might be the feelings displayed by his noble Friend opposite, he (Mr. Ward) was bound as a trustee of the people, to ask the Government, on the renewal of the pension list, how it happened that a public fund of this nature was made to contribute to the support of such individuals? When he saw, too, on the pension list such singular marks of partiality, of general and undefined favouritism—he would not mention names, for he did not think it fair that persons about to submit to examination should be publicly noticed, when they could not be mentioned with favour—but when he observed six names of one family, and seven of another, and ten of a third, and twelve of a fourth, and fourteen of a fifth (for he had noted these numbers down) he had a right, and felt compelled to demand how this singular distribution of a public fund had taken place, and on what principle of utility these persons had been favoured by the Crown? Making every allowance for the merit of these individuals, he could not conceive that their claims to reward should run in such a continuous stream that the individuals bearing these several names should be deemed worthy of some mark of their Sovereign's approbation. Great use had been made in that discussion of the authority of Mr. Burke. But he begged to remind those hon. Members who rested so securely on the favourable tendency of that Gentlemen's opinions to their views, that he might be quoted most effectively on either side of a question. Why, he had at all events been quoted that night for and against the present motion, though he thought the right hon. Member for Tamworth had somewhat misapprehended the right hon. Gentleman, the Chancellor of the Exchequer, when he adduced the testimony of that author against the present motion. Whatever he might have laid down in his speech on economical reform, when he subsequently grew warm and irritated, when he found the minister of the day thwarting the just demands of the people, he used very strong language as to the limitation which the House of Commons had the power to impose on the Crown in the distribution of this fund. Adverting to the question of the responsibility of the Crown, he held "that it possessed no public right or property in these pensions. That the power which it possessed over them was held in trust, and enjoyed for certain purposes—those of good government and the well-being of the community." That principle, if fairly carried out, would justify no pension except as the reward of some act of public service. There might be cases of charity having a fair claim to relief; but these ought not to overbear the number of pensions given for ostensible and acknowledged merits. It should not be forgotten that there was a great difference between the case now before the House and the motion for economical reform made by Mr. Burke in the middle of a reign and during the life of an existing sovereign. The House of Commons had the constitutional and acknowledged right of refusing, on the demise of the Crown, to renew the pension list without an examination into the merits of those whose names were placed upon it; and this situation differed very widely from that in which the same tribunal was placed when a sort of tacit agreement was entered into by the Crown and Parliament to leave its privileges, with regard to pensions, uncontrolled and undisturbed. Our present position was not at all similar to that in which we then stood. All the supposed rights which appertained to the late Sovereign were now passed; there was no constitutional existing privilege conferred on the Crown until the list was confirmed by the House of Commons, and on these grounds the maxim that *summum jus* might be converted into *summa injuria*, was not at all applicable to the question then under discussion. The matter had been, as it were, forced on them. They stood at the commencement of a new reign. The right hon. Baronet asserted that the proceedings of the House in the year 1831 strengthened the claims of those on the pension list. Now, what was the value of that precedent? In the year 1831, the question being open whether the House should grant a shilling in support of pensions or not, a proposal was made by the Crown that his then Majesty would give up half the amount of funds to which he was entitled on this head, provided all the existing pensions were continued during that Sovereign's life. They had had the benefit of that agreement on one side, and the Crown on the other. They fulfilled the pledge and kept it with a fidelity that made nature almost tear the seal from the bond into which they had entered not to revise the pension list. He could not, therefore, attach the slightest weight to the argument contained in the amendment, that the injustice of interfering in the manner contemplated by the present Committee would be greatly aggravated by the expectations held out in 1831 to the objects of the bounty of the Sovereign. The contract entered into in the year 1831 was not even considered binding for the duration of the existing reign. If a doubt could be entertained on this point—that the question of the revision of the pension list was misunderstood by the country, or at least that the people refused to confirm and ratify the agreement not to dispute it —that doubt must be removed by the fact that the subject was submitted for discussion in that House. And though he believed it to be a motion which neither the Government nor Parliament could be found to assent to, yet the majority on the division consisted only of eight. And that was the number which was obtained with great difficulty against a motion for rescinding the bargain entered into with the Crown, supplied as it was in many instances by those who, though favourable to a general inquiry, were yet unwilling to disturb the existing engagement. An appeal had that night been made in favour of the existing sovereign. Now, though Gentlemen on the opposite side of the House might claim the merit of exclusive loyalty, yet he could safely say, that however democratic the feelings of some might be at his side, they were not deficient in respect for, and confidence in, her present Majesty. All the freedom and happiness which could be procured under a republican form of Government were, he was sure, attainable under the reign of her present Majesty. And as for affectionate regard towards her person, and an anxious desire to promote her comfort, these were feelings in which he believed no man in the country would be found wanting. But they with whom he acted did consider it essential to the peace, and comfort, and tranquillity of that royal person, if her name were coupled with that odious pension list, that there should be such a revision of it as would satisfy the people of the country, who did not enter into all the technicalities of their personal inconsistencies, but who looked to the great principles which ought to regulate the conduct of all public men, and who are determined that there should be a full, fair, and honest investigation. Such an inquiry, tempered by the feeling of leniency and indulgence which would, he was sure, be displayed by every Member whose painful duty it was to sit upon that Committee, was what could alone convince the people that the pension list ought to be maintained, because it alone could make it, what it never yet was, beneficial to the empire, honourable to the Crown, and satisfactory to the people of this country.

Mr. *Acland* was anxious to answer the question of the hon. Gentleman who had just sat down, who had asked what was justice, and who seemed to rest satisfied with such answers as he himself had given. But although he rose on the second bench on his side of the House, as the hon. Gentleman had spoken from the second bench on the opposite side, he had not had the benefit of any of that communication with the right hon. Baronet (Sir R. Peel) which had been so constant on the other side betwixt the leaders of the party and the Members on the second bench. He would confess that he expected the hon. Gentleman would have shown some great difference betwixt what was justice in 1830, and what was to be justice in 1837. The hon. Gentleman, however, had not done so, and had left the difference unexplained. He thought the right hon. Gentleman the Chancellor of the Exchequer would not be greatly pleased with the support which had been given him by the hon. Member who had last spoken. The right hon. Gentleman had said that the *onus probandi* was on those who assailed the pension list; but the hon. Gentleman, the Member for Sheffield, had contended, that before any pension should be allowed the holder should make out a *primâ facie* case that he was entitled to it. And, then, in talking of justice to the Crown and of the honour due to her Majesty, the hon. Gentleman proposed to deprive the Sovereign of the power of rewarding merit, and of fulfilling those engagements which her predecessors had entered into, and which had hitherto been understood to be binding on the new Sovereign. All those pensions which had been granted by her predecessors were to be investigated, and none to be allowed who could not make out a claim satisfactory to the Committee. What was the footing of justice on which this principle went? It was, that all, whether distinguished or undistinguished, should be obliged to appear before this tribunal; and as the right hon. Baronet (Sir R. Peel) had said, stand in the lobby and make out a *primâ facie* case satisfactory to the committee before their claim was allowed. The hon. Gentleman had said, that all should make out a *primâ facie* case, and if they did not make out a fair claim to their pensions, then they were to be discontinued. Such were not his notions of justice, and such he was persuaded would not be considered justice by England, Ireland, or Scotland, for all were equally interested in the present question. He thought that when her Majesty had entered so fairly on this negotiation, in regard to her civil list, with the House of Commons, it ought to be considered that it was only proper, that it was necessary, for the honour and dignity of the Crown, that she should have the means of rewarding merit, and providing for faithful servants. He had not yet heard any answer to the statements contained in the papers which had been moved for by the right hon. Baronet, the Member for the University of Oxford, and which had since been laid on the table of the House, and from which it appeared that the revenue surrendered by the Crown to the country far exceeded the grants which were made by Parliament in return. When her Majesty made that surrender, and when she entered on the negotiation in regard to her civil list, she must have felt that she had not placed the matter in the hands of her Ministers, but that she had reposed her confidence on the 658 Gentlemen, the Members of that House. And would she not be disappointed if her Ministers were to go back to her and say that the House of Commons was indifferent to everything but cold necessity, and that they were not inclined even to regard the rights of individuals? Let them not disappoint her Majesty's just expectations, let them act in the spirit of liberality, and let them justify the frankness with which their Sovereign had entered into this negotiation, by providing for the maintenance of the dignity of the Crown, and by affording her Majesty an opportunity of discharging the engagements of her predecessors, and of rewarding merit and faithful services.

Mr. *Wilbraham* was of opinion, that the motion of the right hon. Gentleman, the Chancellor of the Exchequer, would do justice to all parties. However anxious, from feeling, he might be to allow these pensions, yet when he heard them contended for on the ground of right he felt bound to rise and oppose such a doctrine. It was a dangerous principle to hold that those pensions were in the nature of a freehold, and that they were not to be questioned. He considered those pensions drawn from the pockets of the people, and when they were taking away two or three shillings from the poor on the ground of economy, he conceived the House bound to take the first opportunity of investigating the grounds on which the pensions on the list had been granted. It was not, however, the amount of which the people complained, but of the principle on which those pensions had been granted. They considered the principle to be an improper one, and the question of the pension list had created more excitement in the country than any other. By giving pensions to improper persons, Government deprived itself of the means of rewarding distinguished merit; and when he saw one of the greatest philosophers of the age receiving only 250*l.* and other persons drawing 2,000*l.* and 3,000*l.* from the public funds, whose services to the country he had yet to learn, he could not but think that some investigation was necessary. He considered that the proposal of the Chancellor of the Exchequer did him honour, and he would cheerfully give his vote for the Committee.

Mr. *Plumptre* was understood to say, that the right hon. Gentleman, the Chancellor of the Exchequer, would not be disappointed in the expectation which he had expressed of having his (Mr. Plumptre's) vote on the present occasion. He had before voted for inquiry, and he had heard nothing that night to change the opinions which he formerly entertained, and still continued to entertain. Strange statements had been made in that House in regard to the pension list, and its revisal was a question in which the country felt deep interest; and he for one had not changed the opinions which he had always entertained, that inquiry ought to be granted. But while his sentiments on the subject were unchanged, he must confess he could not understand what had taken place to produce so great an alteration in the views of the right hon. the Chancellor of the Exchequer from what they had been on former occasions when the question of the revisal of the pension list had been debated. Perhaps the reason might be found in the position which the right hon. Gentleman held in regard to a certain class of his supporters. For himself he should vote as he had done before.

Mr. *Pendarves* was very glad to hear the right hon. Gentleman, the Chancellor of the Exchequer, come forward and propose this investigation, and he would most willingly give his vote for the Committee.

Captain *Wood* rose and said, that nothing but the feeling that he was the representative of a large and most important constituency could have induced him to trespass on the time of the House. Before he expressed his sentiments on the question which had been brought under their consideration, he wished to state that there was a name of a near relative of his on the pension list, and, if any hon. Member thought that that circumstance influenced him in the decision of the important question before the House, he would at once explain the circumstances under which that pension had been granted. Should he state the case? If they would allow him he was anxious to state the matter to the House, that they might see there was no reason why he should be actuated by any personal or private feelings in expressing his sentiments on the pension list. He would, then, explain the grant of a pension to his relative. The gentleman to whom he alluded had been secretary to Lord Castlereagh, and when that noble Lord retired from office after the Walcheren expedition, and in consequence of his disagreement with Mr. Canning, the gentleman in question was appointed by Lord Castlereagh to the situation of Vendue Master at Malta. The situation was an extremely lucrative one, and the Government, wishing to make some change, proposed that he should retire from it, and accordingly it was taken from him, and his name placed, as an exchange, on the pension list for, he believed, 1,000*l.* His relation went to Malta, and remained there to the year 1808, when he returned to this country, and became one of the clerks in the Home-office. In that situation he remained till the other day, when, after a period of forty years' service, he retired, and, receiving no retiring allowance, his name was continued on the pension list. Such having been the case, he hoped it would not be supposed that he was actuated by personal feelings in the opinions he might express. When he rose he had stated, that he claimed the attention of the House solely because he was the representative of a large and important constituency. He was sincerely anxious to retain the confidence of that constituency, and there was not anything he would not gladly do to maintain his popularity with them and secure their favour —there was not anything he would not willingly perform to promote their interests and happiness; but whatever might be the consequences, he could not consent to violate the laws of justice. The hon. Member for Sheffield had told them what he considered to be justice, the Chancellor of the Exchequer had given them his definition of justice, the noble Lord, the Secretary for the Home Department, had informed them of his opinion of what justice was, and, indeed, all her Majesty's Ministers had defined what they called justice; but of this he was sure, that Lord Althorp did define what justice truly was, and he knew and felt, and the country would feel with him, that the right hon. Baronet, the Member for Tamworth, had stamped in letters never to be obliterated what eternal justice was. He alone had taken an enlarged view of the matter, and shown, by unanswerable arguments, that what was justice in 1830 must also be justice in 1837. He would not appeal upon the subject to the shadow of a Government—for he could not call it the substance — which now existed in this country; but he would ask the Gentlemen of England—he would appeal to the Irish Members, who were so fond of claiming justice for their country—to be just in the present instance. He thanked the right hon. Baronet for giving him an opportunity of thus doing his duty to his constituents, and he trusted that the speech of the right hon. Baronet would have the effect of preventing the House from doing what he considered to be an act of the most flagrant injustice.

Colonel *Sibthorp* begged to congratulate the right hon. Baronet near him upon the convincing speech of that evening, the most powerful appeal which he had ever heard within the walls of the House. He had not originally intended to address the House upon this question, but when the right hon. the Chancellor of the Exchequer, for what reasons he best knew, seemed to look at him at the outset of his speech, and did him the honour, too, of introducing into it the name of so humble a person, he had thought, perhaps, that the right hon. Gentleman meant to question that consistency of conduct which, through good report and evil report, he had ever endeavoured to maintain. It would be well for the right hon. Gentleman if he could lay claim to the possession of the same consistency. He feared that the course which the right hon. Gentleman had chosen to adopt, with reference to the question now under the consideration of the House, must for ever preclude him from being able to apply to himself the line of the satirist—

"Nullius addictus jurare in verba magistri."—

For was it not notorious that the right hon. Gentleman had taken out of the hands of the hon. Member for Southwark the very same motion which that hon. Member had made upon a former evening, and which he certainly thought was much less becoming in the Chancellor of the Exchequer to move? Were there no cogent reasons for this? Was there nothing in the altered numbers of the Ministerial supporters in that House to induce this change? Was there, he would ask, no reason to justify the right hon. Gentleman, with reference to himself and his colleagues, in exclaiming—

"Tempora mutantur, et nos mutamur in illis?"

He had voted on this question at the time that the right hon. Baronet went out of office with all the honour that could attach to man. He hoped soon again to see that right hon. Baronet fill that situation which he had filled with honour and advantage to the country. He was not interested in the pension list. He never held a pension. No part of his family, who for centuries had sat in that House, had ever held a pension or received one penny of the public money. They had heard much about justice, and of the justice of the House. He admitted that the House was composed of doubtful materials; but he was sure that no Englishman, Scotchman, or Irishman, would deny to merit its reward, or refuse to listen to the appeals of distress. He for one did not object to an inquiry. If those who held pensions deserved them, the House, he felt convinced would not interfere. Such claims, in his opinion, would be strengthened by inquiry. On looking over the pension list, they might find one or two names which perhaps ought not to be there, but he believed the greater number would be found the reward of services rendered to the country. Many patriotic names figured on that list—they all recollected the Marquess of Camden. He had returned 300,000*l.* to the public. He feared that this inquiry would prevent many from following his example. Those who had deserved their pensions, who had lived on them for a long period, should not now be driven forth to starve; no Member would suggest such a proceeding. It was said, that all pensions, the awards of former Ministers, should not be interfered with by the present Government, but the House of Commons was the guardian of the public money, and it had a right to see how that money was spent. He thought those who feared an inquiry were not deserving of their pensions. It was better to receive 10*l.* as a just award than 1,000*l.* which one was ashamed to acknowledge. With this view he would not oppose the motion.

Sir *Charles Douglas* begged the attention of the House for a few moments, whilst he protested against the species of intimidation by which the right hon. the Chancellor of the Exchequer sought to coerce the recently-elected Representatives of large constituencies. He was a recently-elected Member, and he would not be deterred by any threats from expressing his opinion on every political subject that might come under discussion. Although recently elected, he was a Member of a former Parliament, and present at the settlement of the civil list by Lord Althorp. He well remembered having perfectly concurred in the plan of that noble Lord, who would have his respect to the last moment of his existence. Concurring in that settlement, he would now give his decided support to the resolutions of the right hon. Member for Tamworth, without the slightest fear of afterwards meeting his constituents. The hon. Member for Southwark had taunted that side of the House on the subject of the new Poor-law. He had always been anxious to remedy the defects in that law, and therefore the taunt did not apply to him. That hon. Member had said that Ministers were forced into the present motion. He believed that fact; especially when he remembered what had occurred on the second day of the present Session. He then witnessed with pain a Minister of the Crown turning round and negociating with the Member for Southwark, and then agreeing to his amendment; and not satisfied with that, proposing to include the pensions due the coming quarter in his inquiry. He would certainly oppose this motion.

Mr. *Handley*, as representing an agricultural district, was anxious to say something on this subject, in consequence of an observation which had fallen upon a former occasion from the noble Lord, the Secretary for the Home Department, to the effect that the farmers, as a body, were adverse to the payment of these pensions. The noble Lord might have probably denied that supposition from certain country newspapers, which conveyed the sentiments of the landlords and not of the farmers; for the latter had no opportunity whatever of expressing their sentiments. He, however, could assure the noble Lord that the farmers of England entertained opinions generally in common with those of the noble Lord himself. They felt deeply and strongly on this subject; but at the same time were not imbued with any feeling of hostility to the aristocracy of England; nor, on the other hand, with any parsimonious feeling which would withhold the means of extending bounty to those individuals to whom the favour of the Crown was extended; but as the right hon. Baronet, the Member for Tamworth, had sought to justify the pension list by its antiquity, and by the consideration of family settlements, let him recall to that right hon. Gentleman's recollection the fact of his having been a party to the Poor Law Bill. And could not the right hon. Baronet picture to himself cases occurring in the agricultural districts, in which the married children of yeomen, owing to family distress, were reduced to destitution, and upon applying to the parish, were thrown upon their parents for support, and other cases of a nature nearly similar, in which the children were obliged to support their parents. And could the right hon. Baronet suppose that the board of guardians throughout the different counties, upon some of which these yeomen sat, would be indifferent to the proceedings of the House of Commons in a nearly analogous case, for that House might not inaptly be termed the great board of guardians of the state? Could they be indifferent to the operations of that House, if in one instance they enforced the law against the poor, and, in another case, where the aristocracy was concerned, upon a different principle? The question had been met by an appeal to the passions, and by an allusion to the principles of eternal justice. Now justice was, in this instance, at least, altogether upon the side of the people. He could assure hon. Members, that the agricultural constituencies would by no means view them with an eye of indifference, dealing out with one hand a measure of niggardly support to the poor, and with the other throwing the mantle of concealment over the indiscretion with which a lavish munificence was distributed among the more elevated classes of society.

Mr. *Milnes* said, that after the crushing speech of the right hon. Baronet, the Member for Tamworth, it was not for a neophyte like him to enter into any detailed argument upon this question. The hon. Gentleman who had last addressed the House had spoken of the introduction into this debate of topics appealing to the passions. Now the only topic to which such a description could apply, was one which had been casually introduced a few nights since by the hon. Gentleman, the Member for Southwark; a topic which had been commented on by the hon. Gentleman who had just sat down, and to which he (Mr. Milnes) did not deny the possession of some validity. He alluded to the analogy which that Gentleman attempted to draw between the concession of the pension list, and the conduct which, in certain instances, had been recently exhibited towards the poor of England. He had risen for the sole purpose of protesting against so monstrous an imputation, against such detestable sophistry as to assume that, because they showed themselves unwilling to violate in cold blood the memories of great men who were no more, they were therefore insensible to the miseries of the poor. Of the hardships which had been inflicted under the Poor Law Act he would not then express any opinion. But from which side of the House had that Act proceeded? If some hon. Members on the opposition side of the House had agreed as to the frightful necessity of passing that Bill, were they indiscriminately to bear the cold brunt of the injurious observation, that they were insensible to the distresses of the poor, because they would not inflict something of a similar injury on the rich.

Lord *Ebrington* would assure the hon. Gentleman who had just sat down, that it was not his intention, in any observations which he might think it his duty to make, to allude either to him or to any other hon. Gentleman at his side of the House, or to attribute to them any other than the best and purest motives for their conduct. His object in rising was in order that, as his vote that night would in some degree be at variance with that which he had given on a former occasion, he might state to the House, as briefly as he could, his reasons for that change. He trusted he might, in the outset, be permitted to say that he was under no pledge to his constituents on this subject, as, knowing the part he had taken on former occasions, they had never pressed him upon it. In order that he might explain to the House any apparent inconsistency in his conduct, he would state his belief that the long possession of pensions constituting a sort of prescription, gave to the persons holding them a strong claim, and that, if he yielded upon this subject only to his own feelings and inclinations, independently of those feelings which a consideration of the public service prompted, he should not be disposed to yield this motion his support. But he felt constrained to remember that he had a public duty to discharge. Hon. Members had alluded during the course of debate to the new Poor Law Act. It had been part of his duty to curtail a portion of those allowances that were made to paupers under the old law, and, therefore he felt that he must not flinch from doing his duty with respect to the rich. However he might expose himself to the charge of inconsistency, he hoped he should, from his general conduct, obtain credit from both sides of the House for honesty and sincerity in the course which he pursued.

Sir *E. Sugden* was anxious to call back the attention of the House to the proposition of the right hon. Gentleman, which, if it were intended to guard against improper grants of pensions in future, should have been supported, he thought, on Parliamentary grounds. The House knew that as the resolutions were intended to be embodied in an act of Parliament, which was to be the guide of future Ministers of the Crown, there could be no motive for looking into the pension list in reference to past grants. An inquiry into past grants could not, therefore, have any effect on future grants. The proposition was for an inquiry into all the past grants, without exception, and he should apprehend that there were men in that House who had made up their minds upon the subject, without reference to any discussion upon the merits of the question. This was a question on which every Member must give an answer to his constituents, and therefore they were bound to hear, not one side only, but both and all sides—not only that side which hon. Gentlemen chose to call the popular side, but also that which they also called, and with equal fairness, the unpopular side. "This is not a time," continued the right hon. and learned Gentlemen, "to refuse to hear both sides." The right hon. Gentleman, the Chancellor of the Exchequer, had examined many cases, and, as the result of his examination, he had told the House that in none of those cases was there any thing to confirm the doubts he had held with regard to them. Was there any reason, therefore, that he should stigmatise those pensions with the character of fraud and corruption? Was there any reason for any further inquiry? The right hon. Gentleman after that statement had proposed to the House a motion which went to stigmatise with fraud and corruption some of the best men, and some of the best blood, in the country. The right hon. Gentleman charged those who sat on his (Sir E. Sugden's) side of the House with inconsistency while the fact was, that it was the right hon. Gentleman and his friends who were inconsistent. In 1830, her Majesty's Ministers held a different opinion; but a change in those opinions had been brought about by the pressure of parties. There were many more reasons for inquiring into the subject on the death of George 4th, than on that of William 4th. All that he had risen for was to justify the vote which he was about to give, and he only hoped that other hon. Members would be able to do the same.

Mr. *Harvey* hoped the House would favour him with their attention while he addressed a few observations to them on this question. In the first place he wished to remove an impression under which an hon. Member appeared, in common with many other hon. Members, to labour, namely, that the motion which had now been brought forward by her Majesty's Government, was the result of some suspicious compromise which had taken place between her Majesty's Government and the Radical Reformers. For himself, he might be allowed to say, although at the hazard of whatever imputation might be thrown upon him, that when he entered the House on the night of the discussion of the civil list, he had no reason for believing but that the amendment which he had it in contemplation to propose would be resisted, and would be resisted as effectually as any of his former propositions. He would also say, that up to the present hour he was not aware whether or not he was to be a member of the Committee. If, therefore, hon. Members were apprehensive of his disposition to inquire too closely into such matters—if they thought he entertained too great an anxiety to pry into the circumstances under which pensions had been granted by either party—the best course they could adopt, in order to relieve themselves from those apprehensions, was to omit his name altogether. He thanked the Government most sincerely, and he congratulated Government, for having at length emancipated themselves from the thraldom on this subject, under which they had hitherto laboured. He rejoiced extremely that they did now, and that in a most intelligible and efficient manner, what he believed they must deeply regret they had not done at a former period. By their conduct at a former period they had furnished arguments to their opponents at present; for, he would ask, but for Lord Althorp's letter—but for Lord Althorp's resolution—but for the report of the former Committee, declaring that there should be no inquiry — where would the right hon. Baronet, the Member for Tamworth, have been that night? Those documents, the letter of Lord Althorp, the resolutions of Lord Althorp, the report of the Committee, had been the entire text of his speech. When, therefore, he heard from the right hon. Baronet a desire expressed to impart to the present discussion a more than usual moral tone, he hoped her Majesty's Government would derive some advantage from that friendly advice, and would at least avoid those quicksands of experiment and expedience on which they had well nigh foundered, and given great advantage to their adversaries. Before he noticed the prominent points in the speech of the right hon. Baronet, who, it was said by one of his youthful admirers, had begun and ended the discussion, so conclusive was his speech, he wished to say a few words on what had fallen from the hon. Member for Middlesex. The course which that hon. Member had pursued, showed that he so felt the pressure of the justice of the case, that it became his duty to throw the shield of his sympathies over his relative, whose name appears upon the pension list. But he extends his aid in a manner neither advantageous to his friend, and with injustice towards others. For if it be really true, that the gallant Officer's near and dear relation really merits his pension, why not support that inquiry which will dispel all suspicions respecting it? While, if the gallant Member finds it incumbent upon him to give an explanation to guard his friend from suspicion, why does he not extend the same protection to those who are not so fortunate as to have a representative in this House to guard their honour, and to tell of their deserts. In justice, then, to all parties not so fortunate, he contended the gallant Officer was bound to support the motion for a Committee. Yes, he would stand up for those who had no helpers. Now, how many ancient dowagers were there on that list?—and he protested, notwithstanding the delicate insinuation of the right hon. Baronet, that with those ancient dowagers he never had aught to do —he did not know how many of those darling charmers, the list taking its rise so far back as the year 1764, there might be upon it, who had not in that House a friend like the hon. Member for Middlesex, to stand up for them, and defend their case, as the hon. Gentleman had defended his relative who had held an appointment on the sunny shores of Malta. He rather thought, however, that there were not many persons on the pension list, and more especially among those who had been placed on that list at a remote period, who could avail themselves of the advantage of having a representative of a county to stand up in his place in the House of Commons for the purpose, not of apologising, but of justifying their pensions. He confessed that he had rather lagged behind in the debate, in the hope that other hon. Members might start up, like the hon. Member for Middlesex, and defend their near relations from the imputation of having had pensions improperly bestowed. Many hon. Members had near relations on that list, for there were many who had not been on it so long that all their family connexions were extinct. There were some who had been placed on the list within the last seven or eight years, whose minds must still be fresh with gratitude for the rewards which they had received in return for their services. Why did not the friends of those persons stand forward in the same way the hon. Member for Middlesex had done?—Was it that they would not take an unfair advantage of those less fortunate individuals who had not the benefit of powerful connexions; and as they meant to vote against the Committee they would vote in becoming silence? But it appeared that hon. Members could not bear the indignity that persons of high blood, connected with the first families of the country, should be exposed by having their claims open to a Committee of the House of Commons. Was it to be endured, they said, that the feelings of honourable and of right honourable persons of eighty years of age were to be thus outraged? All sympathy with such persons was, it seemed, fair and proper, but not so that sympathy which melts at the woes and wrongs of the poor. Oh! pity for the wretched and the miserable is an ignoble sentiment. He was now anxious to come to that speech which had been characterised as the alpha and omega of the debate, as having comprehended, nay, exhausted, every thing that could be said on the subject. He willingly admitted that the right hon. Baronet had availed himself of every argument both for and against himself, distorting and mis-stating them with an ingenuity that was incapable of imitation. If the right hon. Baronet had made that speech in a court of law, any experienced critic who had listened to him would have exclaimed, "There's the ablest man I ever heard, with the worst cause I ever knew!" After dwelling on Lord Althorp's letter, and on Lord Althorp's resolutions, the right hon. Baronet proceeded to dwell on what he stated to be the fact, that these pensions were made the subjects of family settlements—things which he begged to observe were very different from Poor-law settlements.—Really, any one would presume from hearing the right hon. Baronet that pensions were really the subject of family settlements, assigned to trustees, with declarations of uses and trusts, set forth in a deed as long and intricate, as his learned Friend near him could draw. [Sir *Robert Peel:* That was a quotation.] It certainly was a quotation, but the hon. Baronet had contrived to make that quotation one of the most prominent parts of his speech. When he made it, he turned round and addressed himself to the Lords of the soil, who clustered around him in faithful numbers. The right hon. Baronet knew that he was appealing, not only to powerful heads, but to iron chests; he knew that he was appealing to persons who would be highly indignant at the notion of having all their family papers ransacked, and their contingent remainders exposed. Of this he could assure all who might be interested in the subject, that if he were on the Committee, and it should be made to appear with reference to any lady on the list, whether she were old and ugly, or whether young and beautiful, that her pension had been made the subject of a marriage settlement, he would instantly sanction, and with a smile pass by the case without further notice. But let the House consider these facts. There were 1,300 grants on the pension list, many of them under 50*l.* in amount. Taking the whole of the grants, the average amount of each was 180*l.* Now, really, the idea of making a pension of 50*l.* or of 45*l.*, to be received as long as the person to whom it was granted, old or young, might live, or as the granter might live, the object of a grave family settlement, with three or four trustees, with a deed larger in dimensions than any land which the annuity would purchase if turned into money, was a fancy so extravagant that only a skilful debater like the right hon. Baronet, knowing the character of the persons whom he was addressing, would have ventured to indulge. It was indeed a large draft upon the credulity of his Conservative forces. The right hon. Baronet also contended that in some cases these pensions had been made the subjects of assignments for the payment of debts—that they had been made over by way of security. Now although he was perfectly satisfied that there was nothing to warrant any such supposition, he was ready to declare that wherever he found such an assignment, or such a security, the integrity of which could not be disputed, he would readily afford protection to it. The right hon. Baronet also observed, that Mr. Burke was decidedly opposed to any investigation of the pension list; and proceeded to compare the power of the Crown, at the time Mr. Burke made that statement, with its power at the present time. It certainly was well known that up to the year 1780 there was scarcely any limit to the extravagant grants of the Crown; that could the property be restored, the present rental would far exceed the entire civil list which it was proposed to grant to the Crown. Such was the disgusting cupidity that surrounded the Court, that the fairest estates of the monarchy were at this moment in the hands of the proudest families of the realm. And well might Mr. Burke say, after he had checked this boundless flood of corruption, that he did not heed the continuance of a few grants, however suspicious. He struggled for a great principle, the objects of which we now are struggling to extend. The right hon. Gentleman who made the motion had asserted that this was not a vulgar question of pecuniary calculation, but that it was a question of moral profit, aye, of eternal justice, of that justice which surrounds the throne of heaven, and

> "Which sees with equal eye, as God of all,
> A hero perish, or a sparrow fall."

But it was maintained on the other side that the country would view with very different feelings the deprivations of the persons on the pension list of their incomes, and the deprivation of allowances granted under the old poor laws to persons who had spent all their lives in hard labour. So it had been stated. The House had been asked if there was any just comparison between the sympathy excited for the persons whose names were on the pension list, and the sympathy excited for merely the aged widows of the poor, and the decrepid labourers borne down by toil rather than by age—(for there would be found no pauper in the country whose claim went back as far as the year 1764)—worn down by heavy labour, by privations, by exposure to seasons, and by all the other hardships of which the poorer classes were the heirs.—Oh false and heartless was the distinction! Are you, continued the hon. Gentleman, who invite the poor to the temples of the living God, to find comfort for their sorrows, in the soothing assurance that the inequalities of the world are no eventual injury to them? are you, I ask, prepared to maintain this degrading, this unchristian, this fiend-like distinction. Yes, you are; look how you desecrate the temples of the most high by insulting the objects of heaven's care. "This," is to be found in your own reports; and are not the temples of your living God—the places into which the poor are invited to enter to find comfort in this world, and the assurance that in another all inequality shall be removed—are not the doors of these temples placarded with the names of the aged matrons and ancient fathers who have toiled to enrich the soil upon which they were born, and you possess, and from which you, its hereditary possessors, have derived your wealth? Are not their names from day to day, and from week to week, posted upon your church doors, the objects of the most searching scrutiny, for the purpose of ascertaining whether by some miserable contrivance they may not be made to maintain themselves, or be fixed for life upon the support of relatives whose condition, perhaps, is slightly superior to their own. But then we are told that under the righteous decree of eternal justice there is a distinction between the artificial forms of society the humble and despised but most useful class. Let the hon. Gentlemen opposite, whose delicacy is so refined, find comfort in the assurance that no individual whose sentiments coincide with my own can be guilty of acting with an iron heart towards any of the persons whose names are upon this list of pensions. The very imputation that we bring against those who have acted with unfeeling severity towards the poor will be found to be the protection of discerning merit; and unless you are prepared to say that the persons whose names are placed upon this list—that the relatives of many of the hon. Gentlemen opposite are ashamed and afraid to undergo the ordeal to which they are to be subjected—unless hon. Gentlemen are prepared to say that, I would ask, can anything be more severe, can anything be more cruel, than the course they propose to pursue in denying this inquiry? Whether it be a prejudice that has been fostered by ungenerous imputations, or whether it be grounded upon facts and circumstances that cannot be denied, it is an universal sentiment that an inquiry ought to take place. It is a sentiment that runs through every class and every rank—it is entertained by persons of every grade, and of all ages, from the richest to the poorest, from the youngest to the oldest—it is common to all; and you who will vote against the inquiry believe and know that there are names upon the list which you are sorry to see there at all, and which must give way to inquiry. Is it not a fact that there are persons, whose names are upon this list, who have for their relatives persons proud of their heraldic bearings, proud of their ancient families, and of their extensive and almost boundless possessions? Do you not find persons of this description upon the list? And is it not a matter of deep shame and deep regret that those who cannot help it, that persons who have the means of doing so do not interfere to rescue their honourable and right honourable relatives from the imputations which are cast upon them in consequence of having their names appearing upon this list. If I were upon the Committee I have no difficulty in stating to the House the course I should take. And here, without indulging in the slightest suspicion as to the course which the Chancellor of the Exchequer proposes to pursue, I must be allowed to say that I do not subscribe to the limitation which he intimates. I gather from him that he will place the onus of establishing the impropriety of contested claims, not upon the party who urges the claim, but upon the party who challenges it. If that be so, it appears to me that it would be better if we had no Committee at all. If I may speak for myself, and it may be presumed that my curiosity is not peculiarly dull upon this matter, I at once disclaim the ungracious office of being the accuser—of being the relieving officer who is to be hunting out grounds of objection—such is not my taste—nor is it my duty—I should shrink from it as belonging not to me, to ransack the claims, and to enter into evidence as to the title which these persons have to the pensions which have been allotted to them. I think the parties ought to be invited, or rather required, in terms, of course, as delicate and respectful as possible, to state the grounds upon which they rest their claims to be reinstated upon the pension list. Let the request be delivered by private hand, or by some liveried attendant of the court. Do it with all the respect, all the deference to which these high personages are entitled; but call upon them in some way or other to state the grounds on which the grant was made originally, whether it was granted to them individually, for services rendered, and if so, request them to specify its nature. And if the grants have been made for services not rendered by themselves, but by some near relative, surely there is not so much ungrateful oblivion as to prevent them from calling to mind those ancestral virtues to which they are indebted for their present pay. And if it should happen that some individuals were placed upon the list in past times solely and exclusively upon the ground of charity—if it should be found that the circumstances which justified the original grant, unfortunately for the individual, still continue—and if it should further appear that the grantee has nothing else whereupon to subsist—has no near relative, no father, no mother of title and affluence—no brothers, no sisters rolling in wealth, boastful of their titles and proud of their possessions—if he should appear to be one of the deserted of mankind, scarcely knowing his origin, disinclined to say what he believes of it, having no connexions that can be called legitimate,—if upon the list there be found any unfortunate wanderers of this kind, though there may be some extraordinary evidences in their features to tell the tale of their origin—yet I for one would say, "Pity their sorrows and continue them upon the pension list." When I see the noble Lord (Lord Stanley) opposite, who has a right to be proud of his title and property, apparently sneering at these suggestions, I am a little surprised that he has not called together men like himself for the purpose of looking over this list, and of providing a fund from their own vast resources for the support and maintenance of their own poor relatives. Allow me to tell the noble Lord that hereditary sneers are not natural eloquence—and that whatever in private life may beo ur differences in point of rank and fortune, we are all equals here as Representatives of the people. Moreover, the noble Lord will allow me to tell him that there are examples, though of a lowly kind and amongst a despised class, which it would be no discredit for his class to imitate. Are there not funds of every kind—trades' funds, widows' funds, funds of every variety—to aid and support mankind from the cradle to the tomb, all of which have their rise and owe their continuance to the honourable and independent spirit which actuates the humbler classes, and renders them disdainful of deriving assistance from any other than their own resources?—Have not these funds been sanctioned and protected by Acts of Parliament? There are upwards of 5,000 of them in the country. Is it not the object of your boasted Poor-law Amendment Act to foster and encourage them? Allow me to tell the noble Lord that he may learn something from "the simple annals of the poor." I was about to state, that in dissecting this list I can suppose, without knowing it, that there may be persons upon it whose merits justified the grant; and though their fortunes might be great at the time that they received the grant, may be greatly improved since, yet it may be possible that their services were such as deserved some mark of royal favour, surpassing in their estimation, the value of mere pounds, shillings, and pence. If there be any such, I would continue them upon the list. But then, I say, let these cases — let these bright examples be plucked from the scenes of obloquy and vice by which they are surrounded, let them stand forth in their original purity, recommended by the circumstances which justified the grant at the time, and which no age nor years have been able to tarnish. Spare, I say, spare these spotless gems of purer rays — protect them by inquiry. Are you afraid, when the report of the Committee shall be made, that the mass of the people, and especially the despised poor, will fail to recognise those cases of real merit which at wide intervals may be found upon the list? Do not deceive yourselves—do not misunderstand the poor of England: they would be the first to denounce any act of an unjust or an ungenerous kind. If there be any case, any circumstance that can be stated—any story, even, that can be exaggerated in favour of any one of these pensioners, the best way of protecting them will be not to attempt to shield them under the pretence and artifice of an amendment, but by an appeal to the sympathy, the kind hearts, the generous feelings of an unsophisticated people.—I will presume that there are persons upon the list who have been placed there not in consequence of any service immediately rendered by them—not in consequence of any of those influences to which I will not now refer, but solely for their poverty: If their poverty be not exaggerated by them I should not be the individual to apply a stern rule to cases of that kind.—Although there has been an obvious desire to avoid the parity of the Poor-law Amendment Act with this inquiry, yet I maintain that whatever weight or plausibility might have belonged to the arguments put forth by the right hon. Baronet, yet they avail nothing, the Poor-law overthrows them all.—For what is the principle upon which the Poor-law Act proceeds? That no man nor woman shall be allowed to live upon the labours of others, whose strength or years enable them to labour for themselves—or whose relations are in a condition to extend to them that support which nature requires and kind and proper feelings prompt.—Upon what principle, then, do those Gentlemen, who are so anxious to maintain these pensions—I will not say, who are benefitted by them—upon what principle do you defend them? I ask you to apply the same rule to these state pensioners that you apply to your parochial paupers.—And here let me advert to a remark made by the right hon. Baronet He says, " Looking over this list I see there have been eleven prime ministers, eight of whom have been gathered to their final account, three of whom only remain; will you call upon a person who had the grant of an annuity or a pension made to him during the life of either of the eight ministers who have ceased to exist, to explain and justify the circumstances of that grant." Now, let us carry this analogy a little further. A poor woman who has been receiving 2s aweek shall be told by the guardians that she can no longer have this relief, and is asked under what circumstances it was originally granted to her. " Oh," says she, " it was granted to me twenty years ago by old Brown the church-warden—I was at his funeral fifteen years ago. Lord love you do not deprive me of it." What do the guardians say to this? " You were very lucky in having such a church-warden as Mr. Brown; there is a different race now, we must have some little conversation with you, my good old lady; you look strong and hearty; can't you go out to charing?"—"Why," says she, " I do sometimes go out a charing, now and then I get sixpence a day, and once or twice I have got a shilling"—" Don't you think if you were to go a little more about the parish you could contrive to get more? You must learn to be more active, to be more industrious; you must seek to maintain yourself; our anxiety is to infuse into your mind the moral, the high sense of the eternal principles of justice—but you say that you are frequently afflicted, and that you find it impossible, except when the weather is very fine, to go out charing even for the few times you speak of. Have you got a son or a daughter?"—" Yes, thank God," says the poor old creature, " I have a son and a daughter." " Are they your own children?" [That is a question I shall not put in the Committee.] " Are they your own?"—" Lord love you, sir, whose do you think they are?" " Well, then, what is your son?" "Oh, he is a lad, and as good a lad, though I say it, as any mother ever had." " And what does he earn?" " Fifteen shillings a week." " And what does your daughter do?' " She is married." " Has she any children?" " Yes; two pretty babes." " And what is her husband?" " A journeyman carpenter " And what does he earn?" " Why, when he is at full work, he earns a matter of five and twenty shillings a week." " Then," exclaims the indignant guardian, with wonder in his eye, and stern displeasure on his brow, " why, my good woman, how can you have the impudence to come here, how can you have the impudence to come here and ask for the continuance of the relief that old Brown gave you, when you have a boy and a girl, of whom you are so justly proud, the one earning 15*s* a week, and the other having a husband who gets 25s a week? Get away, you hussey?"—Such would be the predicament of many of these pensioners, if we were to inquire into the real circumstances of their case.—I will venture to say that there are many men and women upon this list who, if asked as to their relatives, and what was meant by their having attached to their names the appellations of " hon. and " right hon." of " lady," " dowager," and "dame," after recovering from the first surprise occasioned by the impudence of the inquiry, would tell you that they had a long line of ancestry, who had their origin with the Plantagenets, and those who came over from "Faery land."—Yes, they would tell you that there was no monarch, from Harold to the present day, with whom they were not in some way connected.—Some of them would be so proud of their superior blood—of having in their veins none but the best blood—that I very much doubt whether they would not be disposed to carry their pretensions even further than the ancient and noble house of Stanley. And if you inquire further—if you say to these persons, "If such be your connections with living titles, have they survived their inheritances?" what would be the reply? Assuming the attitude, and speaking in the tones of injured dignity, they would say, "No, Sir; the noble Lord or the noble Duke, who is my relation, is rolling in wealth, has the largest estates in the county in which I dwell, commands the representation of that county, and has two Conservatives at this time in the House of Commons." Are we, then, to be told by those who passed the Poor-law Amendment Act to improve the condition and give a high moral tone to the labouring community—are we to be told that the only example you are prepared to set to the humbler classes, for whose welfare, moral and physical, you have so carefully, so wisely, so generously provided—are we to be told, I say, that the only example you are prepared to set them of your virtue and sincerity is to make them (the poor and humble) labour for the maintenance and support of these your relatives and friends. I am not aware that anything more need be said upon the subject. Undoubtedly many suggestions occur to my mind; but having frequently, under the indulgence of the House been permitted to express my views upon this interesting question—the more interesting because it assumes now a practical, and, I would fain hope, a successful form—I will not at this moment intrude further upon your time. I will not abuse the indulgence I have received on former occasions as well as the present, further than to express my deep regret that the Gentlemen who form the Conservative party, avowedly, as it is said, the unpopular side—who have upon the hustings been speaking of the Poor-law Bill—many of whom have been returned to this House by exaggerating the defects of that measure, and often denouncing its merits—who have occasionally spoken of pensions and pensioners—I deeply regret, nay, I will not believe, that Gentlemen, who pride themselves upon their high stations and the purity of their principles, will so soon forget those influences through which they excited the popular resentment, those assurances by which they awakened the popular expectation, as now to rally round their leader for a mere party purpose—with the view of preventing an inquiry which it would reflect great discredit upon our new Sovereign to reject—which confers great honour upon the Government that countenances it—which will cheer the hearts of many who are now afflicted by a sense of oppression arising out of the inequality of the laws as between the rich and the poor, and who will be taught by your vote to know that there is something less than base hypocrisy in your strong expressions of attachment and devotion to the cause to which you appeal when you invite us to recollect that in the small and comparatively insignificant inquiry into which we are about to enter, we shall involve that great principle of eternal justice which is indeed the gate of heaven. And though you may now be proud of your artificial condition, of your high rank and lordly possessions, recollect that the humblest of those to whose prejudice these injurious distinctions exist, that they are the heirs of those promises, and are destined to share the same rewards with the richest and proudest amongst you—remember, ye proud of the earth, that you must pass with the humblest of the despised through the same tomb, to that scene where honest poverty will find acceptance, under that eternal principle of justice which proclaims the equality of mankind.

Lord *Stanley* said, if one fortnight ago I had been asked who would be the person who, at the close of these tumultuous cheers, would now, as upon many previous occasions have greeted the conclusion of the speech of the hon. Member for Southwark—if, I say, I had been asked who, at the close of those cheers, would be the first to rise with alacrity, and on the foundation of the policy of the Government, their past professions and principles, their constant and continued course of adherence to what they felt to be the principles of truth and justice—if I had been asked who upon those grounds, would be the first to rise to repudiate and reject the motion of the hon. Member for Southwark, a fortnight ago, I should with confidence have said, that man will be the Chancellor of the Exchequer. Because I felt persuaded that no light cause, no fear of unpopularity, no fear of Parliamentary desertion or defection, no fear of offending this party or of pleasing that, would have turned aside her Majesty's Ministers from that course which one and all of them have declared to have been founded upon no temporary expediency, but upon immutable justice. As last night I had the satisfaction of seeing her Majesty's Government, and a small portion of their supporters, in concurrence with the large body on this side of the House, and, I speak it to their credit, in the maintenance of that which they felt to be the continuance of justice, go out against even a considerable body of their own supporters, so I had hoped that I should on this occasion also have followed my right hon. Friend, the Chancellor of the Exchequer, after hearing him in a manner which would have rendered it unnecessary for me to say anything, which his accustomed and wonted eloquence, on a subject on which that eloquence had frequently been exerted, refute, as I have heard him before refute, the arguments and refuse acceding to the proposition of the hon. and learned Member for Southwark. But I know not how it is, the tables are strangely turned within these few years. I now see the Chancellor of the Exchequer moving the very resolution which he two years ago condemned. I have seen the leader of the House of Commons approving and supporting the doctrine which he has constantly repudiated, and I see now both him and the Chanceller of the Exchequer adopting and taking even the part of voting on the very question which they have always rejected when moved by the hon. and learned Gentleman, the Member for Southwark. I congratulate that hon. and learned Gentleman upon the victory he has gained. I cannot, however, congratulate her Majesty's Government upon the submission which they have exhibited. But if there were anything which could make still more satisfactory the feelings which must be caused in the minds of her Majesty's Ministers by the necessity of thus replying to their own speeches, as well as to those of the hon. an learned Gentleman, it must have been the triumphant and contemptuous tone of congratulation at their emancipation from their late scruples, in which they had been hailed in the speech of their new ally. But whatever may be the course taken by her Majesty's Ministers, I for one cannot forget that I was a Member of the Cabinet of Lord Grey. I for one will not forget that I shared the credit to which I think that Government was entitled for introducing a reform of the abuses which had been for a length of time in the system of administering and granting pensions; neither will I forget—nay, I look with equal, with greater pride, to the fact that I was one of those who shared in the part which was taken by Lord Althorp, which was taken by Lord John Russell—I speak of the Minister of that day—and which was taken by the present Chancellor of the Exchequer (the then Secretary of the Treasury), and in which we, one and all, declared that great as was the benefit which the country would derive from the adoption of a sound principle for the future—great as was the popularity which might be derived from it to the Government by yielding to popular clamour, and making an instantaneous and retrospective reform, yet we would purchase neither popularity to ourselves, nor benefit to the public, at the expense of the national faith, and at the sacrifice of private interests. But since that time the Government has been emancipated from some of the scruples which it then entertained. We have been told by the hon. and learned Member for Dublin, over and over again, of the vast difference there is between the Whigs of 1835 and the Whigs of 1836; we are told that the dross has been purged from the cabinet since then. [*Cheers.*] If the right hon. Gentleman who so loudly cheers, thinks that it is evidence of anything of the nature of dross, unworthy and base of a man to adhere to the faith of Parliament, to remain unflinchingly the advocate of a conscientious act, to maintain a strict determination not to be tempted by any consideration to infringe those rights which private individuals claim, and which they are defenceless to enforce except by your sense of justice—if this be considered unworthy I am willing to be purged off, as such dross, but I share that misfortune with gentlemen of the names of Graham, Spencer, and Grey. I have no right to speak of Lord Grey's present opinions;

but if I know anything of Lord Grey I know this, that sooner than he would have yielded to the demand which he once declared and believed to be most unjust he would have cut off his own right hand. I know nothing of Lord Spencer's present views; but if I may trust Lord Spencer's declarations—his Parliamentary conduct—his unchanging language up to the last hour of his presence as a Member of this House—I know from those declarations and that conduct this, that so long as he remained a minister of the Crown, he never would consent to that which he ever characterised as an act of flagrant injustice. If Gentlemen are inclined to dispute that as I state it, and as I think so much to the honour of Lord Althorp, permit me, in addition to those passages which have been quoted by my right hon. Friend to-night, to read one passage from a speech made by Lord Althorp in the year 1832 upon this question, and before the pension list was finally settled. It was made upon the question of the introduction of that act which provided for pensions which were charged upon the consolidated fund. "I still remain of the opinion," says Lord Althorp, "that if we take advantage of this fact, that these pensions were settled during pleasure, we shall, as the Representatives of a great country, be taking an advantage most unworthy of us; because I believe that nothing can be more detrimental to the honour of England than to act contrary to our promise, and proceed in consequence of having a mere technical excuse for such a proceeding. This appears to me so clearly a debt of honour, that, whatever I may think of some of the appointments, I feel bound, as a Gentleman not to consent to the taking away any of these pensions so long as"—what does the House think?—during the life of the present Sovereign? no; but "so long as I shall be a Minister of the Crown."* Was Lord Althorp speaking of his individual capacity? No, he was speaking as the leader of Lord Grey's Government in the House of Commons; and in that declaration he pledged not himself as Lord Althorp, but he pledged himself as the colleague of Lord Grey, as the leader of Lord Grey's cabinet in this House, in the name and on the behalf of the cabinet who had passed the act whereby the pensions were reduced prospectively. Now, Sir, there is no person who has more strenuously maintained this doctrine than the right hon. Gentleman the Chancellor of the Exchequer. He did so in the year 1834. The right hon. Gentleman is well aware of the speech. He is well aware how strenuously he resisted the motion of the hon. and learned Gentleman the Member for Southwark—this very motion—this very motion for an inquiry into the pension list, and does he recollect the quotation he made on that occasion? My right hon. Friend appealed to the authority of Mr. Burke in 1834; and he has appealed to the authority of Mr. Burke this night. Will he permit me to recall to the House the passage which the right hon. Gentleman then quoted, not in vindication of the pension list, not in vindication of the course which the Government has now taken, for while admitting that the public convenience might be promoted, and that public advantage might be derived in the way of economy by the introduction of a more sound principle, he yet held it to be a gross and scandalous injustice to interfere with any of these pensions during the lives of the existing holders. I will not quote my right hon. Friend's own Speech, but I will make the quotation which he himself made from Mr. Burke, because, as he has said, it would seem to imply an absurd vanity on his part of wanting to compare any argument he could offer even with the poorest part of the works of that great statesman. As an introduction and an illustration of his own precise views on this question my right hon. Friend quoted the following passage:—"Those places, and others of the same kind, that are held for life, have been considered as property. They have been given as a provision for children—they have been the subject of family settlements—they have been the security of creditors. What the law respects shall be sacred to me. If the barriers of law should be broken down upon ideas of convenience—even of public convenience, we shall have no longer anything certain among us. If the discretion of power is once let loose upon property, we can be at no loss to determine whose power and what discretion it is that will prevail at last. It would be wise to attend upon the order of things, and not to attempt to outrun the slow but smooth and even course of nature." Some Gentlemen may think that Mr. Burke was neither a good speaker nor a sound reasoner, but the majority of mankind are of a different way of thinking; and certainly this is a passage in which the beauty and harmony of the language is only equalled by the dignity and justness of the sentiment. Mr. Burke proceeds—" There are occasions, I admit, of public necessity, so vast, so clear, so evident, that they supersede all law. Law being only made for the benefit of the community, cannot, in any of its parts, resist a demand which may comprehend the total of the public interests." There was a cheer from the hon. and learned Member for Southwark at that part of my right hon. Friend's quotation, who goes on—" Let the hon. and learned Gentleman prove that the 'total of the public interest' is at issue on this motion, and then, and not till then, will his cheer be justified." Mr. Burke continues—no law can rest secure and set itself up against the cause and reason of all law; but such a case very rarely happens, and this most certainly is not such a case." To which my right hon. Friend interpolated—" I perfectly agree in that sentiment as being perfectly applicable to the present motion." " The mere time of the reform is by no means worth the sacrifice of a principle of law. Individuals pass like shadows; but the commonwealth is fixed and stable. The difference, therefore, of to-day and to-morrow, which to private people is immense, to the state is nothing. At any rate it is better, if possible, to reconcile our economy with our laws, than to set them at variance—a quarrel which in the end must be destructive to both."* Now this was the quotation which my right hon. Friend made use of from Mr. Burke in 1834; and he objected to the motion of the hon. and learned Member because the direct assertion of the persons in authority, because the report of the Committee, because the sanction of Parliament, because the unvarying assent of every authority to which any human individual could look for security to his property had given to these persons on the pension list the right, according to the plainest sense in which the most indifferent words could be used, of believing that they had a claim which Parliament would terminate only with their life; and I defy the Government, and any Member of the House, to point out a single passage used by a single Member of Lord Grey's Government which was either at variance with, or which did not positively maintain that construction and that interpretation. I know, however, that my right hon. Friend will say, " Oh! but this was in 1834; the Act had passed, the compact was made with the Crown." I know that as far as the case of compact with the Crown goes, there was a distinction between the year 1834 and 1831. There was also a distinction between 1834 and 1837. But as to the compact between the law and the individuals on the list, as to the case between the faith of Parliament and those persons, show me what is the distinction between the years 1830 and 1834, or between the years 1834 and 1837, if the distinction be not this, that all your acts from 1830 to 1837 have given them additional reason to be positively certain that they will remain in possession of their pensions? But the question never was put upon this issue—never at any time by any Member of the Government has the question rested upon the compact with the Crown. In every argument, it has been maintained that in the compact made with individuals, the justice that applied to them was that of their remaining on the list till in the course of nature they should drop off. The principle of the Pension Act was to be applied prospectively for the benefit of the public, but not retrospectively to the disadvantage of individuals. I know not what course the Government intend to take upon this point, so mystified, so obscure has been their conduct as to the line they intend to take, or the measure of justice or of favour which they intend to deal out to those miserable persons who are to be cited to the bar for their acquittance before the Committee. I know not whether you mean to take the pension from a single one of these individuals. I should like to hear whether you mean to deprive any of them of these pensions which you—individually you—when you asked for a change in the law, and pledged the faith of Parliament—told them that they were entitled to receive, so far as you as a Ministry could control it, for the remaining period of their lives. Do you mean to take one of these away? If you do, I say without hesitation you violate the faith of the Parliament—you commit, as Lord Althorp told you it would be, an act of fraudulent injustice. If you do not—why, what a mockery—what a poor, what a wretched proceeding is this! In what terms can I characterise it strongly enough, if you really mean that you will only cite to your bar those individuals who for a period of sixty years have been in the receipt of the pensions, more or less merited, I care not—but to which they believe that they have a right, but of which in many cases it would be impossible for them to produce any proof—if you only mean to call upon them in this way, with no serious design of taking away a pension from a single one of them, can anything be more shuffling, can anything be more disgraceful, can anything be more unjust? But fortunately for me I need not take the trouble of seeking for any expression of mine to qualify such an action. I find it characterised in the forcible language of the noble Lord, the Secretary of State for the Home Department, in April, 1836. The noble Lord on that occasion said—"The question was, whether the House, on the bare statement of the hon. and learned Gentleman, unsupported by any witness and unaccompanied by any proof, would be induced to enter into an examination of the pension list, and to go through it name after name, and person after person, in order to hunt out some circumstance which might show that at the time the pension was granted it was not conferred for meritorious services, or that the person on whom it had been conferred was not in circumstances which entitled him to the benefit."* Do you mean to take that course now? Is it not the very mildest course suggested by the most moderate supporter of the present proposition? Hear, then, how it was characterised by the leader of those who support that proposition? The noble Lord exclaimed—"Could any proposition be more odious or degrading? Could any proposition be better calculated, by raking up the personal affairs of individuals, to gratify private animosity and malignity? And all was to be done without any object." The noble Lord goes on to talk of the poor and miserable saving which would be effected even if you were to diminish the amount of existing pensions to the extent proposed—"Let," said that noble Lord, "that House compare the small amount which could by possibility be deducted from the pension list with the great and mighty reduction of nearly 5,000,000*l.* effected by pursuing the honest and straightforward course of reducing only where they had a right to reduce, and where no expectations had been entertained, and justly entertained, from interference. Let that diminution be compared with the small diminution that alone could be hoped for from acquiescing in the hon. and learned Gentleman's petty and unjust proposition. The one had the features of wise, great, and national retrenchment, while the other assumed the appearance of private pique, and miserable malice."* These are the terms in which, in 1836, the noble Lord, the Secretary of State for the Home Department, qualified the miserable saving which would be effected by this petty and degrading proceeding as compared with that great saving which had been effected, without compromising the honour of the Government and the public faith, by making reductions only where no expectations of freedom from interference had been entertained. And when is this proposition made? Why, when my noble Friend, the Member for North Devon (Lord Ebrington), apologises for the alteration of his opinion, and for the vote he is about to give, and for which he expects to be severely commented upon, but which I only deeply regret without for one moment entertaining the least doubt of the honourableness and integrity of that change of opinion. What was it? Why was he of a different opinion now than he was in 1834? Because the Poor-law Bill had since passed. The circumstances which have since passed, even if it were strictly accurate to give such a reason, is the strangest argument which I have ever heard uttered why a difference of opinion should now exist, or why we should now commit an act of injustice. But I will strip him of this argument, if argument it can be called, for the new poor-law had passed in 1834, and was therefore just as much a reason then as it is now. And, for the further satisfaction of the noble Lord the Member for North Devon, and the hon. Gentleman the Member for Cheshire and that no hon. Member may be induced to institute comparisons between the poor-law and the pension list, and for the information of the supporters of the present motion, I will read another passage from the same speech of the noble Lord, in which the noble Lord replies to this argument, and after most justly deriding it, and showing that there is no analogy between the two, proceeds to point out the difference between the principle of the poor-law and the intention of its provisions, and then adds:—"a more odious comparison, and no less founded in the real nature of the two subjects, I think that I never heard attempted to be palmed upon any public assembly than that drawn by the hon. and learned Member for Southwark between the principle of the Poor-law act and the pension list." I regret to have to quote so much from the speeches of the noble Lord, but when I find that those with whom I have been in the habit of acting in defence of what were our common principles have abandoned those principles, and when I find myself compelled to come forward in support of those same principles opposed to the same hon. Gentlemen, it is a great satisfaction to me, and a considerable weight is removed from my mind, when I find that they have expressed my sentiments with so much more force than could be done in any language which I can utter. Why Sir, the argument derived from the comparison between the pension list and the Poor-law Bill, if even it can be called an argument, made in the speech of the hon. and learned Member for Southwark, is calculated by the most plausible sophistry to create the most mischievous feeling in the country, an argument more calculated to drown unfounded and invidious distinctions between the rich and the poor, or more likely to lead to the supposition of degradation to the poor, and of excess on the part of the rich, I never heard than was contained in that speech. Does, Sir, the hon. and learned Member mean to carry out in the revision of the pension list the principles of the Poor-law act? [Mr. *Harvey*,] precisely so, This, Sir, this I say, that I do trust and believe that her Majesty's Government will never sanction the hon. and learned Member's principle of interference. I believe that they will not be influenced by this comparison, and I believe that they will never place the pension list in such an unjust and false position. What is the object of the Poor-law bill? Is it not to provide from the public funds, as a last resource, for those who through misfortunes have been led into unavoidable distress. I for one, Sir, would never have supported the Poor-law bill if I believed that in carrying out its provisions I was pressing with hardship upon those who are in penury and in distress. Nor do I believe, Sir, and I state it without regard to any popularity or unpopularity which may attach to my avowal, that by carrying out the main principle of that act we can produce such a result. But to say that the pension list is the last resource of public charity, and that no one has a claim by its means to receive any honourable distinction from his Sovereign or his country, to say that we cannot provide for any person who cannot prove his absolute destitution, that no person who has a single relation in good circumstances is to be placed upon this list, is, in the first place, going far beyond the principle of the Poor-law; and, in the next, is viewing what is now an honourable distinction in the light of public charity. There are persons on the pension list of all ages, of both sexes, of every class in life; there are persons who have received a pension either for their own services or for the service of others; and are all these to be dragged before the Committee and to be examined, according to the leaning of the Members, either in the strict manner pointed out by the hon. and learned Member for Southwark, or are they to be subjected to the more limited inquiry which I flatter myself will be recommended by the right hon. Gentleman the Chancellor of the Exchequer? Are all their rights, is all their fortune, is all their property, and are all their characters to be subject to this most searching investigation and inquiry. The hon. and learned Member for Southwark has hinted to us the course of examination which he would pursue. He tells us, first, that among the names of those on the pension list there are several hundreds who receive below the amount of 45*l*. a-year, misinterpreting the powerful speech of my hon. Friend behind me, and he sneers at the feelings of hon. and right hon. Gentlemen who would accept such paltry sums; and the hon. and learned Member would then ask of these persons whether they have no near relation who can support them, whether they receive their pensions from mere necessity, whether they have no wealthy relative basking in the sunny clime of Malta who can afford them assistance, whether they have no friends to keep them off the parish? and lastly he says, that, having made these inquiries, he would look with kindly favour upon those who came before his tribunal; and after, by your vote this night, subjecting these parties to this delicate cross-examination of the hon. and learned Member for Southwark, you will, on the presentation of the report of your Committee, bring them before the House of Commons and in the face of the country, to maintain their right to what they have ever considered their undoubted inheritance; and unless they can prove that they are without father that they are without mother, that they are without brother, that they are without any sisters, and without any relation of any kind, or at least, as the hon. and learned Gentleman who reproaches me for sneering says, unless they are without any legitimate claim on any person, unless they are very wanderers on the face of the earth, they are to be subject to condemnation; and to this condition, to this investigation, and to this trial, is to be subjected every person who has any claim to the gratitude of the public. When the hon. and learned Gentleman hinted at this debasing inquiry, not debasing to the person subjected to it, but to the party making it, I could not suppress my feeling of disgust at such a proposition. I have been taunted with possessing an indecent pride of ancestry, and with an indecent arrogance of station. I hope that I am not fairly subject to this imputation; but whether I were moving in the highest or the lowest rank of society I should consider myself disgraced if it had ever entered into my imagination to subject any of my fellow creatures to such a degrading inquiry. Now, Sir, the right hon. Gentleman, the Chancellor of the Exchequer, states that he would deal with all parties most tenderly, and that he would take for inquiry only suspicious cases; but when the right hon. Gentleman has carried his present motion, will he be master of his own Committee? Will he be able to prevent inquiries by Members into this or that pension? Why, the hon. Member for Southwark says, that such a limited inquiry will be a mere mockery, and that it will be better to have none at all than such a curtailment; and if the Committee is granted I am persuaded that there will be a full and searching inquiry into the domestic circumstances of every person in the list, and into pensions which, if they have not the sanction of the law, have at least the authority of prescription, and by the recorded declaration of this House. But the hon. and learned Member sneers at the idea that these pensions are made the subjects of family settlements; and he asks how can you expect that a settlement will be made of a pension of 45*l.* a-year? Why, Sir, nobody supposes that such a pension is so used, and the notion would not have entered into the brain of any Member of this House except of the hon. and learned Member himself. But, Sir, he does treat lightly the claims which arise, not perhaps in the strict legal form of a family settlement, but still in effect the same, upon these pensions. Let us remember, Sir, that many a faithful servant of the public has been cheered in his last hours, after a life of labour and responsibility, for which he has been poorly recompensed, and has closed his eyes in peace, secure, under the sanction of his Sovereign, of Parliament, and of the law, that those whom he has left behind would not after all his toils be left entirely destitute—that for his services, which had perhaps hurried his dissolution, a remuneration would be bestowed on those whom he valued more than himself. If, Sir, such a person has closed his eyes in confidence that his wife will not be entirely destitute, that his children will not be beggars, how would his peace of mind have been shaken, how would his last hours have been disturbed, if he believed that, through any technical form, any minister of the Crown would be found who would propose, or any Parliament who would sanction, the appointment of a Committee on the claims of his widow or his orphan, or that they would ever be subjected to an examination or cross-examination before such a tribunal. I know, Sir, that a Committee will be appointed—I know that they will have before them persons of all ages and of both sexes, that they will demand of them an explanation which will not be given, that they will pry into family circumstances which many must be naturally anxious to conceal; and I know, Sir, that many persons who have been provided with little more than the mere necessaries of life, and who can scarcely exist with the help of a paltry 50*l.* pension in that decent competency which their birth, their education, and their former station have entitled them to expect, rather than subject themselves to such a degrading inquiry, will throw themselves upon some scarcely richer relative, will part with those few comforts to which they have a right to look, and will go back to not disgraceful poverty. But what, Sir, will be thought of the justice of Parliament which shall compel them to do this? How shall we answer for adding to the bitterness of their declining years by depriving them of their small allowance, without any knowledge of the facts of their case. You say that unless they subject themselves to this strict examination, that if they are not acquitted on their trial at the bar of this House, they shall not be entitled to their trifling pensions you will receive the abdication of their miserable pittance, and you will come down and congratulate this House on the economical saving which has attended your great measure of practical reform. But even in the cases in which you continue the pension, will you call before the Committee those who have passed a long life in the service of their country? Will you summon before this tribunal the veteran officers of our army and our navy? If you will not do this, will you call before you their widows and their orphans? And if you will not do this, you are not about to apply the pure principle of the Poor-law, and your inquiry will be useless. And how many a veteran officer who has faithfully served his country, and honourably earned a higher reward than a paltry pension, when he his called upon to recount his services, and to justify the honour conferred upon him, will, in the words of the proud and high-minded, but perhaps mistaken *Coriolanus,* exclaim—

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* Hansard (Third Series) vol. xiv. p. 942.

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* Hansard (Third Series) vol. xxi. p. 575.

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* Hansard, (Third series,) vol. xxxii. p. 1226.

* Ibid. p. 1227.

"It is a part
That I shall blush in acting—
To brag unto them. Thus I did, and thus;
Show them the unaching scars, which I should hide,
As if I had received them for the hire
Of their breath only."

It is not, however, among the rich and great alone, but among the poor also, that the degradation will be keenly felt of being called from the retirement in which they have lived in comparative comfort, and of being dragged before the tribunal which you now propose to constitute, and to give before your Committeee a detail of the pecuniary remuneration which has been bestowed upon them in gratitude for the services which they have rendered to their country. It is you who give this Committee, and on you must rest the responsibility of departing from the pledges which you have given; and if I had given a silent vote upon the question I should have felt that I participated in the reproach and the guilt which, though I say it with regret, I yet think that her Majesty's Government have incurred by their patronage of this motion. And let not hon. Gentlemen fear that they will be reproached for resisting this motion—let them not think that they will thereby incur unpopularity. Popularity, in its strongest and best sense, is but a poor stimulus, and a still poorer guide to the performance of our duty; but I say to those hon. Gentlemen, "though you may fear and justly expect that you will be visited with unpopularity by those whose judgment is founded only on the effects of political excitement, who are influenced only by the mere watchword of party, and with whom it is only sufficient to name the single word pension to insure their opposition—with such acute, and keen, and logical reasoners you may reasonably expect unpopularity; but among those who look more deeply into the matter, who can scan motives, who appreciate intentions, and who will see in your acts no other motive than a sense of public justice, you will only have to show that you have given a strict adherence to the public faith of Parliament, that you have maintained what you found already sanctioned by law; and whilst you tell them that you have done this you add that you have also established a check upon abuses for the future, and you may safely rely upon, you may firmly trust to the judgment, to the reason, and to the sound sense of the enlightened community of this country—you need fear no unpopularity in its true sense, and you will never regret the vote which you have given."

Lord *John Russell:* In rising, Sir, to address this House, I should not have thought that any Member of this Assembly, after the imputations which in the course of this debate have been thrown out, would have denied me the opportunity of replying to them. I remember perfectly well, Sir, that when in the year 1829 the right hon. Baronet opposite, after a long debate, began his reply to the observation which had been made upon the measure of Catholic emancipation; his first and most impressive observation was, that three-fourths of the debate had been filled with personal recriminations; and I must say, Sir, considering that the only motive for their present opposition avowed by hon. Gentlemen opposite is a deep sense of public justice, and judging from the speeches of the right hon. Gentleman and the noble Lord, a love of justice to an opponent is marvellously prevalent among them. It has been contended that the Government, in giving its support to this motion, entirely abandons the principles which they formerly professed; but, at the same time, I must point out that notwithstanding this the Government may not so entirely concur in the terms of the motion, but that they, nevertheless, may think it matter which the House may adopt in its discretion; and the speeches of the hon. Members on the other side have been directed to show the injustice and impropriety of the proposition, they have sought to fill their periods and to round their sentences with quotations from the speeches of the Ministers, to fix the sentiments which they contend are ours upon us. Surely that is not enough for the House, and I cannot but conceive that the subject is grave and important; that even now, when I rise on my defence, some hon. Members will say, "We do not care for the particular imputations or the defences which may be made; we wish to know whether it is or it is not the duty of the Members of the House of Commons to decide whether an inquiry and investigation should or should not take place;" and on that subject I must say the noble Lord has given little light to the House, or, at least, if he has, it has been entirely reflected light. But I must say that these attacks and those imputations which came from the noble Lord are not now new from him; nor is it only upon the Members of the present Ministry, upon those who now occupy the Treasury bench alone, that this censure has fallen. He speaks of himself as having been cast out with Lord Grey and Lord Althorp. I do remember when one of, I think, the least justifiable attacks possible was made on the Ministry, in their being compared to "thimble-riggers," and that was made when Lord Grey was Premier, and Lord Althorp was the leader of the House of Commons; and therefore, although the present Ministry have fallen under the censure of certain Members of this House, yet I must say, that the imputations now cast upon them are mild, that the accusations preferred are as milk and water, when compared with those with which Lord Grey and Lord Althorp were assailed. The question now is, as I take it, whether this House ought or ought not to appoint a Committee with regard to the pensions; and I must agree with the right hon. Gentleman opposite, that if it could be made out that this was a case of justice in 1831, and that in that year justice absolutely forbade an inquiry, that it should equally forbid it in the year 1837. But I cannot find, except in answers given by Lord Althorp to the present Lord Portman in the House of Commons, in any Act of Parliament, and least of all in the report of the Committee of the House, which the right hon. Gentleman quoted in his amendment, anything to make me think that it is a case of injustice. The Committee stated generally that the pension list had fallen on the death of the Sovereign; and at the same time that it would be a harsh measure to adopt a new course in a subject on which the practice had been long established. In making this statement, however, that they did not condemn such a measure, I do not mean to say that it may not be liable to objection: a harsh measure may be extreme of justice. The report of the Committee, then, having gone on to state some particulars with regard to the amounts of various pensions, proceeded to say that, adverting to all the circumstances, no doubt could exist that in some cases severe distress and actual injustice would arise from taking away the pensions. That proved that in their minds there would not be actual injustice in every case, for if that had been their opinion they would have gone on to declare their sentiments, and to have pointed out the cases to which this opinion referred. If in some cases they say that there would be injustice worked and distress produced, we must presume that the Committee would not have stopped there, and would not have overlooked the other cases in which also injustice would be produced. If the inquiry is not injustice, am I to suppose that the Committee of 1831 would not have been as well able to see that injustice as the Committee appointed in 1834? The authority of Lord Althorp has been so frequently appealed to in the course of this evening, and so much was founded on what he said in this House, that I cannot forbear from reading to the House the opinion which he expressed in 1834 with respect to some of the pensions. He said:—

> "He was aware that many persons held pensions who had public employment for which they received remuneration, or who had other property on which they could depend for support; and, although he could not enter into the feelings of others, yet he was ready to declare that if placed in such a position, in being possessed of means of supporting himself, and, at the same time, that he was entitled to receive a pension, he would not, under such circumstances, consent that the payment of the pension should be continued to him. The question, then, before the House was simply this, would the House, by its vote, deprive those of their pensions who had a legal right to receive them?"*

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* Hansard, (Third series,) vol. xxiii, p. 538.

That was the argument then employed, and inwhat position does it place the argument now? The state of the question as regards that argument is this. In 1834, the parties had a legal right to their pensions, and because they had that right they could not be taken from them. That legal right now exists no longer, as it ceased on the demise of the Crown. Then what equitable claim is there? None; and there is only that demand can be made for the pensions which Lord Althorp declared he should be ashamed to urge. Now I do say that this is a case for inquiry. The obstacle in 1834 was, that there was a legal bar to the removal of the pensions. The pensioners then had the law in their favour, and they could not be deprived of their right. Now there is no legal right, and there is so little of an equitable claim that no injury would be done by the loss of the pensions, because if it were so, how could Lord Althorp say, that the persons in the receipt of pensions were in affluent circumstances, and that they ought to abandon them? In my opinion it is the conduct of these persons in not following the advice which was given by the noble Lord that is the great cause of the want of public confidence. There are occasions, although I regret that they are not frequent, when persons having a right to pensions make a voluntary surrender of them; and I cannot but say, that in most instances the persons who thus sacrifice their own interests to the general public welfare, are those who have the best right, from various causes, to keep the pensions which have been granted to them for past services. Lord Sidmouth was an honourable instance of this; for he was a person who had a perfect right to retain the pension which he gave up, from his long services to his country; and to instance two other cases, Mr. Graham More and Mr. Marsden were gentlemen who, with equal generosity and liberality of feeling, refused any longer to accept funds from the Government for their support, and they also voluntarily gave up their pensions. I do not believe that the Committee would have refused to continue some of the pensions; but with respect to those persons, whose claims, as compared to those I have referred to, are as nothing, and who retain their pensions, is no inquiry to be made? The noble Lord has referred to a denial which I made, that this case could be compared to those under the New Poor-law. I am of that opinion still; I think with some exceptions, which are where pensions have been given on the ground of distress, those are the only cases; and when the regulations under the Poor-law Act are compared with those cases in which pensions have been earned by long service, and have been given on that ground, I have no hesitation in saying that there is manifestly not the smallest analogy. But it is asked, what is intended to be done with regard to the pensions, and whether the proposition is to continue them all, or to take them all away? I say that is the question which this House will give to the care of the Committee to determine, and on which I think the Committee will come to a fair decision, and in their inquiries I have no doubt that they will act with due regard to the feelings of the parties called before them. The benefit I look for is, that the public shall be satisfied with respect to the question, and if they are satisfied, I, personally, should be content to continue the name of every pensioner on the list; but I think that the public have a right to ask for an inquiry when a strong feeling intervenes, and in a case in which no injustice shall be done, and I do not agree with those who say that this House or that a Committee of the House has not a right to be liberal or to be generous upon the subject. I think they have a right to represent the people in this respect as in every other; and I think that, if it were possible to place this question before the people in the first place, there could be no doubt of there being a majority in favour of the inquiry; and, secondly, if the whole people had this case before them, and were to know all the circumstances connected with the business, I think there could not be a provision more liberal, or more beneficent, than that which would be made by them, if, on the ground of public service, any one had claims on their generosity or liberality. In putting the question, therefore, before the Committee, I would put it as I would before the whole nation. Suspicions have prevailed with regard to the pension list in the minds of the public, which the frequent refusals of the House to grant an inquiry have tended to increase. Had it been a question of justice, I should have felt myself bound, on the demise of the King, as a question of justice, to maintain it; but it being now not a question so founded, that argument must be put aside. I say that the question of the justice of the case no longer exists, the pensions have ceased by law, and Lord Althorp having declared that the persons by whom many of them were received should in justice have given them up, I will read that portion of the speech of Lord Althorp, which I have already read, in which this is stated: "Though he could not," said Lord Althorp, "enter into the feelings of others, he was ready to declare that if he was possessed of funds sufficient for his own support he would not receive any pension from Government." Well, then, when he says that the pensions ought not to be received, does he not say that they cannot justly be taken? Such being the case, then, the only question is, whether the inquiry shall take place or not, and on this point not one single Gentleman opposite has said a word—they have all been silent. There will be this satisfaction, that it being felt that it is proper that an inquiry shall be gone through with respect to all the pensions, with regard to those on which the Committee shall be satisfied the public will be satisfied, and the persons thus selected will receive their pensions to the end of their lives, and the public will feel no further curiosity on the subject, knowing, as they will then, that due inquiry had been made. I am sure, however, that if we take the opposite course, and refuse to grant a Committee, that we lay the foundation for another motion with respect to this subject—for increased mistrust in the minds of the public—for increased difficulty with respect to the civil list. I am confident that the people wish to do justice to the parties, and, if by the inquiry taking place, they should think injustice would be done, I am sure that they would have instructed hon. Members not to participate in permitting such a proceeding to take place.

The *Chancellor of the Exchequer:* The proposition of the right hon. Baronet opposite amounts to this, that provision shall be made to enable the Crown to continue the whole of the pensions, whether continued by the Crown on the accession of the late King, or subsequently granted by his Majesty. This amounts, then, to a resolution that the House shall without any inquiry vote an annuity of 150,000*l.* to meet the demands of the pension list; while the proposition which I make to the House is, that the whole shall be voted if, on inquiry, the whole shall be found to be justified, and that at all events such portions shall be voted which the inquiry shall prove to be just and proper; such are the two proposals: on the part of every individual on this side of the House, I believe I may say that there is not one who votes to-night that does not do so with a sincere desire and resolution of making provision for every one of the pensioners whose claim shall appear to be founded on justice. The noble Lord opposite, with whom I had been long on terms of intimacy and friendship, and to whose remarks, therefore, I will make no answer that can appear discourteous or unkind, will, I trust, on his being undeceived on the point to which he has mainly relied in his attack on me, and on the Ministers, he will be the first to acknowledge the error into which he has fallen. He made use of the speeches made in 1834, and of the opinions which he alleged those speeches expressed; but in doing so he excluded altogether those portions of the speeches which were of a tendency adverse to the argument which he desired to urge, but which, if I had opposed in place of having made this motion, would have been quoted very justly against me. My noble Friend—for I must still call him so, notwithstanding what has taken place this evening—I cannot sacrifice a friendship even for a triumph in debate—My noble Friend says, that the question which I now support is the very proposition which I before resisted. I say most distinctly that it is not. The proposition of the 18th of February, 1834, was, that a Select Committee should be appointed to inquire into and consider each grant on the pension list; but the terms of the present proposition are of a far different character: they are, that a Select Committee shall inquire how far pensions granted ought to be continued, "due regard being had to the just rights of the parties, and to economy in public expenditure." Are hon. Gentlemen indifferent to the distinction in principle between the two motions? how often have we been asked, in bringing forward any proposition of this nature, to insert the clause, "subject to the just claims of the parties!" Again, Sir, I am taxed with inconsistency, inasmuch as that it is said my present course differs from that which I pursued on the 6th of May, 1834. Sir, the proposition on the 6th of May was, "for a Select Committee to inquire how far the rules adopted in February, 1834, were applicable to the whole of the pension list, as it then stood." I resisted that proposition. I say that it would have been most unjust to apply those rules subsequently adopted to the whole of the pension list. We had no right to adopt rules made in 1834 to pensions granted fifty years antecedently. I repeat, therefore, that neither of the propositions referred to was at all similar to the present one; there is a clear distinction, moral as well as verbal, between them. Sir, the noble Lord and the right hon. Gentleman have been good enough to quote lavishly from my speech in February, 1834. Let me state to the House expressions which I then used, but which the noble Lord and right hon. Gentleman have not quoted, and I will leave the House to judge between us, as to our fairness as well as our consistency. Sir, when I was taunted with what my own constituents would say as to the vote I then announced it to be my intention to give, my answer was in 1834,

> "I have already told the electors of Cambridge that I was not prepared to resume what had been conveyed to individuals by the law of the land, and by these sentiments I am willing to abide. Be the origin of the Act rightful or objectionable, as relating to those who advised it, have not these parties who hold under these grants the security of an Act of Parliament—passed after full deliberation, with all means of inquiry in our power—passed, too, above all, with the character of a compact? —I say that these parties have a peculiar right, and a right, too, that from our engagements with the Crown is of the nature of a compact entered into by the Legislature, after full deliberation and with all the means of judging in its power; for, during all the discussions on the Civil List Act and the other act alluded to, this pension list was in the hands of hon. Members who were then, as now, aware of all the objections existing against it. The question was then an open question—till these statutes were passed—but it is no longer so. At present, the motion, if it be made, ought to be framed, not with a view to strike out certain parties from this list, but to censure the House and Government for passing those acts. I have said that these engagements were in the nature of a contract. At the time of the accession of his present Majesty, we obtained from his Majesty an entire and absolute abandonment, not only of the hereditary revenue which upon any former occasion had been surrendered by the Crown, but of other revenues which, up to that moment, had been kept within its uncontrolled dominion. The House of Commons looked naturally, but it looked justly, to the restriction of this vote for pensions; and therefore the Committee suggested, and the House and Legislature acquiesced in the suggestion, that there should be imposed a limitation on the civil list pensions greater than was ever agreed to by any former Sovereign. And yet it is now expected, the compact having been executed, that we should proceed to revise such portion of it as we may think it advisable to alter. Up to the period of such contract it was undoubtedly open to any hon. Member to raise such objections as he might think proper; but I say that his Majesty's faithful Commons, having made this compact with his Majesty, the case is now far different, and the time for inquiry has passed away. I again say that I object to this motion, because I think it is opposed to the acts we have passed—because I think it is contrary to the compact we have made with the Crown—because I think it will lead to fruitless and painful personal discussion—and because I am of opinion that, without a forcible violation of existing rights, it cannot be productive of any beneficial result."

Sir, I appeal to the House, to those who heard the noble Lord and right hon. Gentleman, whether the grounds I then rested on, namely, the circumstance of a compact having been entered into with the existing Sovereign, does not precisely leave the question an open one at the present moment, when we have no compact on the subject with the Crown? Were such a compact now in existence I would again as strenuously insist upon our strictly adhering to it as I then did; but there is no such compact with the Crown. But, Sir, though we have no compact with the Crown, have we no compact with the people? What is the question on which we are to divide, and which is to go forth to the people? According to the proposition of the right hon. Gentleman, we are to vote for the lives of these parties annuities of 150,000*l.* a-year; and I say, too, let us vote these annuities if they be just ones, but let us first enquire whether they are just. I might rest the case on this statement, but I will go further. The principle of immutable justice has been loudly appealed to. Now, let me ask you —you who take upon yourselves so high a tone in speaking of the decisions of Parliament—do you mean to put such a judgment on the proceedings of Parliament as to say, that the appointment of a Select Committee is synonymous with injustice? Whatever hon. Gentlemen opposite may think, I have a better or higher opinion of the Members of this House than to concur in any such judgment. I do not believe that the Committee will act unjustly. I do not believe that its recommendations will be contrary to authority and reason. I will say, for myself, that no more than Lord Spencer, will I ever be a party to injustice towards any individual; but

I say further, that in justice to the pensioners themselves, we ought to grant the inquiry. Let us grant the inquiry, and go through it seriously and discreetly, but at the same time honestly and searchingly, for by such means—and do not let it be said that the two are inconsistent—we may reach the truth, which is all we wish to reach. Let us act with the greatest consideration, with the greatest deference, nay, with the greatest delicacy, for the feelings of all parties; this way of proceeding, so far from being inconsistent with the search for truth, will be found the best mode of attaining it; and having so conducted the inquiry, having found that the pensions have borne the brunt of searching investigation, let the House dispose of them at once, by putting them on the consolidated fund, and let us have no more annual discussions on the subject. You may rest assured that the persons whose names are deservedly placed on the pension list, will be relieved and rejoiced at the altered state of things. I thank the House for the opportunity it has given me of making this brief personal explanation. The point on which we are about to divide, I repeat, is this:—The noble Lord and right hon. Gentleman ask us to vote annuities of 150,000*l.* for the lives of these parties, without any inquiry into the merits of the respective cases: we tender him an inquiry first, accompanied with the pledge to vote all or any part of these annuities, which shall appear on inquiry to be just.

The House divided on the original motion:—Ayes 295; Noes 233: Majority 62.

List of the Ayes.

Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
*Alsager, Captain
Anson, hon. Colonel
Anson, Sir George
Archbold, R.
Attwood, T.
Bainbridge, E.
Baines, E.
Ball, N.
Bannerman, Alex.
Baring, F. T.
Barnard, E. G.
Barton, H. W.
Barry, G. S.
Beamish, F. B.
Belfast, Earl of
Bellew, R. M.
Benett, J.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Bake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
*Brownrigg, S.
Bryan, G.
Buller, Charles
Bulwer, E. L.
Busfield, W.
Callaghan, D.
Campbell, Sir J.
Carnac, Sir J.
Carter, J. B.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, L.
Chichester, J. P.
Clay, W.
Clayton, Sir W.
Clements, Viscount
Codrington, Admiral
Clive, E. B.
Collier, John
Collins, W.
Colquhoun, Sir J.
Copeland, Alderman
Cowper, hon. W. S.
Craig, W. G.
Crawford, W.
Crompton, S.
Currie, Raikes
Curry, W.
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
D'Eyncourt, C. T.
*Dick, Quintin
Divett, E.
Duckworth, S.
Duff, James
Duke, Sir J.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Captain
Dunlop, J.
Easthope, J.
Ebrington, Viscount
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, right hon. E.
Ellice, E.
Erle, W.
Evans, De Lacy
Evans, G.
Evans, W.
Fielden, J.
Fenton, J.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Fergusson, rt. hn. R. C.
Finch, F.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, P.
Fort, J.
French, F.
Gibson, J.
Gillon, W. D.
Goddard, A.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Sir G.
Grote, G.
Hall, B.
Hallyburton, hn. D. G.
Handley, H.
Harvey, D. W.
Hastie, A.
Hawkes, B.
Hawkins, J. H.
Hay, Sir A. L.
Hayter, W. G.
Heathcoat, J.
Heneage, E.
Hindley, C.
Hobhouse, Sir J. C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, Kedgwin
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphrey, John
Hurst, R. H.
Hutton, R.
Jephson, C. D. O.
Jervis, Swyfin
Johnston, General
Kinnaird, hon. A. F.
Labouchere, H.
Langton, H.
Langdale, hon. C.
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Loch, J.
Lushington, Dr. S.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Maher, J.
Mahony, P.
Marshall, W.
Martin, J.
Maule, W. H.
Melgund, Viscount
Mildmay, P. St. J.
Milton, Viscount
Molesworth, Sir W.
Morpeth, Viscount
Morris, D.

Murray, rt. hon. J. A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R. M.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W.
Philips, M.
Philips, G. R.
Phillpotts, John
Pinney, W.
*Plumptre, John
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Potter, R.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, George
Pryse, P.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.
*Rickford, W.
Roche, E. B.
Roche, D.
Roche, D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, R. L.
*Sibthorp, Colonel
*Sinclair, Sir G.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Standish, C.
Stanley, M.
Stanley, W. O.
Stanfield, W. R. C.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Strutt, Edward
Style, Sir Charles
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. Hyacinth
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thompson, Alderman
Thornley, Thomas
*Tollemache, F. J.
Townley, R. G.
Tracy, H. H.
Troubridge, Sir T.
Tufnell, H.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, Charles P.
Vivian, J. H.
Vivian, J. E.
Vivian, Sir R. H.
Wakley, Thomas
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. J. C.
Whalley, Sir S.
White, Andrew
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilmot, Sir E.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, Charles
Wood, Sir Matthew
Wood, George W.
Worsley, Lord
Woulfe, Sergeant
Wrightson, W. B.
Wyse, Thomas
Yates, J. A.
Young, G. F.

TELLERS.

Stanley, E. J.
Steuart, R.

* Usually vote with the Conservatives.

List of the NOES.

Acland, Sir T.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alexander, Viscount
Alford, Viscount
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Barneby, J.
Barnes, Sir E.
Barrington, Viscount
Bateman, J
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhasset, A.
Bolling, W.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H.
Burr, H.
Burrell, Sir C.
Calcraft, J.
Campbell, Sir H.
Canning, Sir S.
Cantelupe, Visct.
Castlereagh, Visct.
Chandos, Marquess of
Chaplin, Colonel
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clive, Viscount
Clive, hon. R.
Codrington, Sir C.
Cole, Viscount
Compton, H. C.
Conolly, Colonel
Corry, hon. H.
Courtenay, P.
Creswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
East, J. B.
Eastnor, Viscount
Eaton, R. G.
Egerton, W. T.
Eliot, Lord
Ellis, J.
Estcourt, T. G. B.
Estcourt, T. H. S.
Farnham, E. B.
Fielden, W.
Fellowes, E.
Fitzroy, hon. H.
Fleming, J.
Foley, E.
Follett, Sir W.
Forester, hon. G.
Gaskell, James Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S.
Goulburn, rt. hon. H.
Granby, Marquess of
Grant, hon. Colonel
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. S.
Hardinge, Sir H.
Heathcote, Sir W.
Henniker, Lord
Herries, rt. hon. J.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holme, hon. W. A.
Holmes, W.
Hope, G. W.
Hope, H. T.
Hotham, Viscount
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, R.
Jermyn, Earl of
Johnstone, H.
Jolliffe, Sir W.
Jones, T.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lewis, W.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Logan, H.
Lowther, Col.
Lowther, J. H.

Lucas, Edward
Lygon, General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, Wm. Henry
Milnes, R. M.
Moneypenny, T. G.
Morgan, C.
Neeld, J.
Nicholl, John
Northland, Lord
Ossulston, Lord
Owen, Hugh O.
Packe, C. W.
Pakington, J. S.
Palmer, Robert
Palmer, George
Parker, M.
Parker, Robert
Parker, Thomas A.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, Jonathan
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Peyton, Henry
Polhill, Frederick
Pollen, Sir John W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Visct.
Praed, Winthrop M.
Price, R.
Pringle, A.
Pusey, P.
Ramsay, Lord
Reid, Sir J. R.
Richards, Richard
Rolleston, L.
Rose, Sir George
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, George
St. Paul, H.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scarlett, hon. R.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Smith, Abel
Smyth, Sir G. H.
Somerset, Lord G.
Stanley, Edward
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sugden, rt. hn. Sir E.
Thornhill, George
Trench, Sir F.
Trevor, hon. G. R.
Tyrrell, Sir John
Vere, Sir C. B.
Verner, Colonel
Villiers, Lord
Wall, C. B.
Welby, G. Earle
Wilberforce, W.
Wilbraham, hon B.
Williams, Robert
Williams, Thomas P.
Wodehouse, Edmond
Wood, Colonel T.
Wood, T.
Wyndham, W.
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, John
Young, Sir W.

TELLERS.
Baring, H. Bingham
Fremantle, Sir T.

CONTROVERTED ELECTIONS BILL.] Mr. *C. Buller* moved the commitment of the Controverted Elections Bill *pro forma.* He intended, he said, to move its recommitment on the 7th of February.

Sir *R. Peel* had not the least objection to the motion. As he found that the Bill was not intended by the hon. Mover to have any reference to pending elections, he should give it his best consideration, and in the discussion of it he should, as far as possible, endeavour to allay all party differences.

The House went into Committee.

Sir *R. Peel* wished to know from the hon. Member for Liskeard, whether, in the amendments he intended to propose, he purposed to leave out the last clause, by which it was declared that the Bill was not to come into force during the present Session.

Mr. *C. Buller* replied, that he had not the slightest intention of leaving that clause in the Bill. Its insertion in the Bill was a mere mistake from a copy of a Bill of last Session. He felt considerable uneasiness on account of that clause, in consequence of the observations made respecting it, as some parties might think that he could be guilty of the attempt to play them a trick. He was thoroughly convinced that his Bill, upon being agreed to, ought to be brought into operation immediately. He should propose no change now, as the Bill was only *pro forma* in Committee, nor should he propose any change without affording the opportunity for a full and fair discussion upon it.

Bill to be recommitted on the 7th of February.

House resumed.

HOUSE OF LORDS,

Monday, December 11, 1837.

MINUTES.] Petitions presented. By the Earl of ALBEMARLE, from Wisbeach, for allowing Magistrates to act in towns where Quarter Sessions do not at present exist.—By Lord BROUGHAM, from Banbury, and by the Duke of CLEVELAND, from Sunderland, for extending the Municipal Officers' Declarations Bill to the Jews.

ROYAL MESSAGE.] Viscount Melbourne presented the following gracious message from her Majesty, which was read by the Lord Chancellor:—

"V. R.,—Her Majesty taking into consideration the provision made by law for the support of her Royal Highness the Duchess of Kent, her Majesty's beloved mother, recommends this subject to the care and attention of their Lordships, and relies with full confidence on the zeal and loyalty of the House of Lords to adopt such measures for the future provision of her Royal Highness as her rank and station, and her increased proximity to the throne, may seem to require."

On the motion of Viscount Melbourne, the message was ordered to be taken into consideration to-morrow.

NEGRO APPRENTICES.] Lord *Brougham* presented petitions from the Baptist Missionaries of Jamaica, and from a Wesleyan Chapel, Kingsbridge, (Devon,) praying that immediate steps might be taken to place the apprentices in the colonies on the same footing as the emancipated negroes. There was, he conceived, great cause for the complaints which had been made in this country, generally, and also in the colonies, on this subject. Those complaints were directed against the legislatures of the colonies for their delay in performing their part of the implied, if not expressed, compact, when a large sum of the public money of this country was voted to them. He admitted that an important and salutary change had been effected by the emancipation Act; but all that could be done had not yet been effected under it. The further progress of the measure ought to be accelerated, in order that the moral condition of the slaves and their physical situation might be still further improved, and it behoved the Government and the Parliament of this country to adopt measures for effecting that object. He had moved for returns with respect to the money which had been granted to different parties, under the Act of 1833. He had insisted on the necessity of there being laid on the table a return of the names of those to whom awards had been made, for the purpose of seeing who had, and who had not, performed their part of the compact. He conceived that he had given ample time for the production of those returns; but now they were told "you must wait six or eight weeks longer, until after the recess, as the commissioners cannot be ready before that time." Now, if that delay took place, the return, he feared, would be of no use. If there were any difficulty, he would be contented with an account of all sums awarded, and the names of the parties in the first instance. That, he thought, could be produced without the least difficulty. But, if they waited until after the recess, the whole 20,000,000*l.* might be paid without their knowing whether the awards had been earned by a due performance of the compact or not.

Lord *Glenelg* said, that no desire existed in any quarter to withhold the fullest information on the subject. There were, however, difficulties to be encountered in framing the account in consequence of the change and decease of claimants. If his noble Friend would call on the commissioners, he was sure that they would give him every information in their power.

Lord *Brougham* did not mean to say, as the paper had not been refused, that Government wished to delay its production, or that it was wilfully delayed by the commissioners. But what he complained of was, that what appeared to him to be unnecessary delay had been interposed between his motion and the production of the return. What his noble Friend had said did not in the least degree convince him that the paper could not be furnished much earlier; and he wished to stimulate the commissioners to produce it as soon as possible. It was extremely simple; one line stated the award, another the name, a third the sum paid, and the fourth, the party to whom payment was made. If there were any difficulty in making out the return, in consequence of parties dying, and a delay being occasioned in finding out to whom payment was to be made, he was willing to omit that part, and to put up with a bare account of the sums awarded. He certainly did expect by the production of the return he had moved for, to be able to make out a case against those who had received money but who had not performed their part of the compact.

The Earl of *Aberdeen* said, that when, three years ago, this bill was passed, it was understood that something would be done to give education to the negroes. He wished to know from the noble Lord what had been done on this important subject by her Majesty's Ministers? In his opinion, every thing that was possible ought to be done to qualify the negroes for their new state. The noble Lord had now held the office of Colonial Secretary for upwards of two years, and he thought it was time that the House should know what had been done upon the important subject of negro education. When he had the honour of holding the situation which the noble Lord so ably filled he had been pressed severely upon this subject; and he wished to know to what extent the object to which he referred had been attended to.

Lord *Glenelg* said, that although the papers upon this subject had not been laid upon the table of their Lordships' House, they had been upon the table of the other House of Parliament, and sums of money had been voted by the House of Commons for the purposes of general education in the colonies. Those sums had been applied upon a principle which he had no doubt would meet with the approbation and sanction of the House. They had been distributed through the medium of different societies, whose object was to further education in the colonies; and he could assure the House that there had been no laxity on the part of her Majesty's Government to effect so desirable an object as the education of the negroes. Mr. Latrobe, a great traveller, and one perfectly well qualified for the duty, had been sent out last summer, in the capacity of inspector, to examine what had been done in the West India colonies with reference to education; and he had no doubt that that gentleman would be enabled to make a report on the subject that would be satisfactory to the House and to the country.

Lord *Brougham* said, if he had known that the noble Earl meant to put a question on this important subject to the noble Secretary for the Colonial Department, he would have prepared himself to give an answer to that question. He could, however, answer the question, so far as it related to one of the colonies. He had before him two messages, addressed by the noble Governor of Jamaica (the Marquis of Sligo) to the Legislative Assembly of that island. In the first he found this passage:—"I sent you down no less than four measures on the subject of an extended system of education, and, as no measure on that subject has proceeded from the House of Assembly, can I do otherwise than conclude that you are indifferent to it?" In another message from the same noble Lord to the same body there were these words:—"I informed you that the sum of 20,000*l.* sterling had been voted by the English Parliament for the support of education in the colonies, with a promise of further assistance. You have taken no steps to make that assistance available." Again, in another part of that message his Lordship said to the House of Assembly, "I have transmitted to you despatches from the Secretary of State for the Colonies, recommending the repeal of the 33d canon with a view to facilitate the extension of religious education; but you have refused to repeal it." There was, then, it would appear, no want of funds, at least in Jamaica, for the purpose of education. Funds had been voted on this side of the water, and the intentions of the British Legislature were frustrated, and its liberality rendered unavailing, by those to whom we had given so many millions. The neglect of education, then, was not owing to there being no funds, but to the refusal of the Legislature of Jamaica to repeal an intolerant canon, and their continued disregard of the appeals made to them by the governor.

Lord *Glenelg* said, if his noble and learned Friend imagined that the education of the negroes had been neglected by the Government because the House of Assembly of Jamaica was opposed to its extension, that opinion was not correct. The Government of this country had done its duty as far as it possibly could. The Government had persevered in promoting education. It had applied to that object the sums voted by Parliament for the purpose, and its efforts, he was happy to say, had been assisted by several private societies.

Lord *Brougham* spoke entirely and exclusively of the conduct of the colonial legislature, and not of the Government, which was obliged, in fact, to contend with the House of Assembly.

HOUSE OF COMMONS,

Monday, December 11, 1837.

Minutes.] Bills. Read a first time:—Parliamentary Elections; Sheriffs' Courts; and Court of Session (Scotland.—Read a second time:—Poor Relief (Ireland) Bill.

Petitions Presented. By Mr. Walker, from Bury, Lancashire, against the Duties on Foreign Wool and Olive Oil.—By Mr. Wallace, from two places in Scotland, in favour of Mr. Rowland Hill's plan for reducing the rates of Postage.—By Mr. White, from Sunderland, in favour of the Emancipation of the Jews.—By Mr. Wakley, from Shefford, Bedfordshire, in favour of the Ballot.

Riot in Waterford Cathedral.] Mr. *Colquhoun* rose to put a question to the noble Lord, the Secretary for Ireland, respecting some proceedings in the city of Waterford, of which he took it for granted that that noble Lord was cognizant. He was alluding to a violent riot which recently took place within the cathedral church of that city—a riot which had suspended the performance of the Protestant service, and which had terminated in the expulsion of the Protestant clergy from their own church—a riot at which the police were present, and of which the authorities at Waterford must have been fully cognizant. The question to which he wished to obtain an answer was this—"Has the Irish Government issued any orders directing an inquiry to be instituted into the conduct of the authorities and of the police upon that occasion?"

Lord *Morpeth,* in reply to the question just put to him, observed, that in consequence of a memorial which had been sent to the Irish Government from Waterford, stating the circumstances which had occurred there, the following answer had been written by the Under Secretary for Ireland by the authority of the Lords justices of that county. The noble Lords then proceeded to read a letter signed by Mr. Drummond, in which it was stated that the Lords justices had received a memorial, signed by several respectable inhabitants of the city of Waterford, complaining of a violent outrage committed in the cathedral of that city, and that they had directed him to inform the memorialists that no time should be lost in commencing a full inquiry into the truth of their complaints. It further stated, that if the allegations set forth in their memorial should be substantiated, the memorialists might rely upon the assurance of Government that it would use its best endeavours to bring to justice all who were engaged in so disgraceful an outrage, and that it would direct the local authorities, whose duty it was to preserve the peace, to take every precaution for the prompt suppression of such disturbances in future. A copy of the memorial and the answer had been sent to the Mayor of Waterford, and he had been required to make a report and observations thereupon. The Inspector General of the Constabulary had also been ordered to inquire into the conduct of the police on that occasion.

IRISH CHURCH.] On the motion of Lord J. Russell that the order of the day for the second reading of the Municipal Corporations (Ireland) Bill be read, for the purpose of postponing it,

Sir *G. Sinclair* rose and said, that he thought he could not embrace a more favourable opportunity for asking her Majesty's Ministers whether they intended to introduce, and at how early a period, any Bill relating to the Irish Church? As long as they occupied the Opposition benches, nothing would go down with them but tithe bills and appropriation clauses. His right hon. Friend, the Member for Tamworth, had been precluded by factious proceedings on these subjects from bringing forward many salutary measures of great importance, but it seemed that, as these propositions had answered their purpose by enabling Ministers to climb into office, they were now laid on the shelf in order that Ministers might retain those places by keeping them back which they had acquired by urging them forward when it suited their purpose. Objects seemed to assume a very different aspect according to the positions from which they were viewed. The tithe question, which appeared like a mountain when looked at from the Opposition side of the House, had dwindled into a molehill when contemplated from the towering altitude of the Treasury bench. The Bill always crept into the House about the fag end of the Session. It seemed to labour under a mortal complaint, according to the unanimous verdict of the whole college of state physicians—a complaint which took the form of a lingering disease, rather than that of a galloping consumption; it travelled through the House by slow and easy stages, halted with consummate prudence at each resting-place for days and even weeks, and seemed to shrink with instinctive horror from a nearer approach to that "bourne," from which no traveller, encumbered with an appropriation clause by way of passport, could ever be expected to return. The measure never appeared in the House until all the railroad and enclosure Bills and others of superior importance could no longer be interfered with, although its introduction was a necessary prelude, or at least concomitant, to the favourable consideration of the other questions connected with Irish policy. In fact, her Majesty's Ministers had neither the manliness to take steps for forcing the Bill through the Legislature, nor the modesty to acknowledge their inability to carry it, and move that the appropriation clause be rescinded, nor the decency to resign, when they were baffled on a great measure, which they declared to be indispensable for public tranquillity. They quailed before the majesty of the House of Lords, who, by their firm and patriotic defence of our Protestant institutions, had established the strongest and most universally acknowledged claims to the respect and gratitude of the country. Sir G. Sinclair concluded by repeating his question, as to the intention of her Majesty's Ministers on the subject of the Irish church, and wished to know at what period, after the recess, a Bill would be introduced?

Lord *J. Russell:* A Bill on the subject of the Irish church will be introduced after the recess.

Message from the Crown.] Lord *J. Russell* appeared at the bar, and in answer to a question from the Speaker, replied that he brought down to the House a message from the Crown. The noble Lord, having been ordered to bring it up, placed it in the hands of the Speaker, who proceeded to read it, having first ordered hon. Members to be uncovered.

> "Victoria Regina,
>
> "Her Majesty, taking into consideration the provision made by law for the support of her Royal Highness, the Duchess of Kent, her beloved mother, recommends this subject to the care of her faithful Commons, in the full confidence that they will adopt such measures as her Royal Highness's rank and station, and her increased proximity to the throne, may seem to require."

On the motion of Lord John Russell, it was ordered that the House should resolve itself to-morrow into a Committee of the whole House, for the purpose of taking into consideration her Majesty's most gracious Message.

Civil List.] The Chancellor of the Exchequer moved that the House resolve itself into a Committee on the Civil List Acts.

Mr. *Hume* begged leave to ask what course the right hon. Gentleman intended to take on going into Committee? He was anxious that the House should not be pledged to any particular line, as the report had been only that morning placed in the hands of Members.

The *Chancellor of the Exchequer* said, it was quite true, as the hon. Gentleman had stated, that the report had only been placed in the hands of Members that day, but every possible effort had been made to give it publicity and circulation. He was about to propose resolutions carrying into effect its recommendations, with the view of introducing a Bill, in the future stages of which opportunities would be afforded of discussing every point that might be raised. In the present state of business, and when they were close on the holidays, he trusted the hon. Member would offer no opposition to the resolutions. He should move them without offering any observations, but he would pledge himself to the House, that the order of the day should be brought on at an early and convenient time, and that every facility should hereafter be afforded for discussing the question. The Bill, to which the resolutions were preliminary, would take a considerable time to go through all its stages, though he should endeavour to proceed with it as rapidly as was consistent with his wish that it should be fully discussed. He should propose to report the resolutions to-morrow, to introduce the Bill and to discuss it in Committee on Friday. This would allow Gentlemen time to consider the report, and they would then have an opportunity of making any observations they chose to offer.

Mr. *Harvey* said, he understood the right hon. Gentleman proposed to defer any discussion on the subject till Friday. It would be convenient to him to know that on that occasion he (Mr. Harvey) would press for a definitive answer from Government as to their intention in reference to the Duchies of Cornwall and Lancaster. He would also ask in what way they proposed to deal with that very considerable source of income, hitherto in the enjoyment of the Crown, arising from the estates of persons dying intestate without heirs?

The *Chancellor of the Exchequer* said, as the last was a very complicated question, perhaps the hon. Member would put it in writing. He (Mr. Rice) would endeavour to get an answer from the Lords of the Treasury, which he trusted would prove satisfactory; if it were not so, the hon. Member might repeat the question on a future day.

House in Committee.

The *Chancellor of the Exchequer* moved, that for the support of her Majesty's household, and for maintaining the honour and dignity of the Crown, there be granted to her Majesty during her life a net revenue of 385,000*l.*, together with an additional revenue of 10,000*l.* for her Majesty's household servants; that the payment should commence from the day of the demise of his late Majesty; that it should be charged upon the consolidated fund, and that, in addition to such annual sum, a sum be granted in the way of pensions upon the civil list to the extent of 1,200*l.*, and,—"That all the hereditary revenues of the Crown in England, Scotland, and Ireland, as well as the droits of Admiralty, droits of the Crown, four and a-half per cent. duties, and all the other branches of the casual revenues arising out of the United Kingdom, or the foreign possessions of her Majesty, which at the period of the demise of his late Majesty were subject to the Crown of Great Britain should, during the lifetime of her present Majesty, be carried to the consolidated fund."

Mr. *Hume* had not heard anything in the resolution respecting Cornwall, or Lancaster. He wished to know whether the revenues of those two duchies were to be surrendered?

The *Chancellor of the Exchequer:* Certainly not. He had never for one moment considered that they were to be surrendered, and they did not pass under the title of revenues of the Crown.

Mr. *Hume* had great objection to the exclusion of these revenues. On a former occasion, when a Bill passed the House containing the same words, a noble and learned Lord, then a Member of that House, said they had been taken by surprise, and the right hon. Gentleman himself, if he recollected rightly, contended that the revenues of the duchies came within the meaning of the resolution. He should say nothing more on the subject, as he now found they were excluded, but he had one observation to make. He hoped that the time had now arrived when the droits of the Admiralty would be abolished, since a more barefaced robbery had never been committed on a highway than the levying of these droits of Admiralty on the sea. From 1790 till the end of the war, individual property to the value of 12,000,000*l.* sterling had been seized without a declaration of war, the owners of which had no knowledge that a state of war existed, and could not be prepared for it. The United States made a proposition to the Governments of Europe, that as private property in towns taken by an enemy was always held sacred, private property in ships passing from place to place should be protected. Some of the smaller states had agreed to act on it, and he thought it a question well deserving the serious consideration of the House. He hoped that in the course of the Session measures would be taken by some hon. Member to relieve the country from the disgrace and opprobrium attaching to the present system. Like most other ill-gotten gains, the money had produced little benefit, for it had been lavished at the pleasure of the Minister of the day. It was quite unworthy of that House to permit the public service to be carried on by such means, and though he was aware that the chance of war was extremely slight in the present aspect of Europe, this was the very time for Parliament to prevent the possibility of adding to its horrors by such a system of spoliation. The Danish claims formed part of the consequences of that system, but he trusted that a law would be speedily passed to put an end to it.

Resolutions agreed to.

House resumed, resolutions reported.

POOR-LAWS. RIOT AT BRADFORD.] Mr. *Fielden* rose to bring before the House the painful occurrence that had given rise to the motion of which he had given notice—the collision between her Majesty's troops and her Majesty's subjects in the town of Bradford, in Yorkshire. He regretted that neither the Members of the borough nor the Members for the West Riding of Yorkshire, in which the borough was situate, had thought it their duty to bring this grave subject before the House. This being the case, he had been requested to do so, and from that duty he should not shrink, but he had to lament that the affair had not been brought forward in the House by some Gentleman more competent to do justice to the subject. Before this House was reformed an unfortunate collision like the one at Bradford would have been noticed in the House without any delay, and if the reformed House neglected to inquire into the circumstances attending the disturbances at Bradford, it would, in his opinion, be guilty of a dereliction of duty. The cause of the disturbance arose out of an attempt now making to introduce the New Poor-law Bill into the Bradford Union. The facts were these:—A preliminary meeting of the guardians was held in the town on October 30, at which meeting Mr. Power, one of the assistant-commissioners attended. Some manifestations of dislike to the New Poor-law were shown by 200 or 300 persons assembled on this occasion, and Mr. Power, on his way from where the meeting was held to the inn, had some marks of personal disrespect shown to him, and appeared to be the object of attack by the crowd. The whole, however, was nothing more than a schoolboy's affray, and might have been prevented by timely interference by constables of the town. This meeting was adjourned to the 13th of November, and in the interval a police force from London, out of the A division arrived in Bradford. It was said these men laid aside their uniform dress, and were noticed in plain clothes acting as spies on the people of Bradford. On the 12th (Sunday), Mr. Power entered the town with some of the Leeds police. On his arrival the magistrates and some of the guardians waited on Mr. Power, and stated that they entertained fears lest the peace of the town might be endangered if the meeting of the guardians was held the day following. They recommended that the guardians should only meet to adjourn, and to this suggestion it appears Mr. Power somewhat reluctantly consented. The guardians met on the 13th accordingly, and adjourned the meeting to Monday, the 20th of November, the day the collision took place. But on Saturday, the 18th, in the evening a troop of the 15th Hussars, from Leeds, arrived in Bradford, and were quartered at the different inns in the town. This created great alarm, and caused many inquiries by the people. "What!" said they, "are we to have the New Poor-law forced upon us by the military at the point of the bayonet?" Dismay and dissatisfaction spread through the town and the surrounding district. Yet, notwithstanding the strong excitement that prevailed, it does not appear that more than some 200 or 300 persons attended before the court-house at ten o'clock on Monday, when the guardians met to transact business. The crowd wished the meeting to be held openly, but this was refused, and the avenue to the court was barricaded to prevent the people entering. The crowd showed their disapproval of this course by shouts and expressions of dissatisfaction. At twelve o'clock, when the workers in the factories, of which there a great number in the town, came out for dinner, the crowd increased to about 5,000 persons. This increase of numbers heightened the clamour, and one daring man in the crowd set to work to remove the barricade, and make a passage to the guardians. The military were in readiness, and, headed by a magistrate, galloped to the court-house. The Riot Act, it is said, was read; many people went away, but many remained. Soon the military were directed to charge, which they did; this roused the indignation of the people, who now, with stones, assailed the soldiers. Charges and counter-charges followed — swords against stones and stones against swords, until the people were dispersed. The troops were ordered to their quarters, and it was hoped no more disturbance would be witnessed; but on the guardians retiring from the court, after the business was over, the crowd again collected, and showed their displeasure at having been denied access to the meeting. The guardians, consequently, became alarmed, and the military were again called out, and directed to charge, which they did repeatedly, and it is said were at last obliged to fire in self-defence. No lives were lost, but many persons narrowly escaped, and several were wounded. A young man who had taken no part in this affair had his arm shot through, and has since suffered amputation. In commenting on the proceedings of this unhappy day, the *Bradford Observer*, a Whig paper published in the town, denies that this was a demonstration against the New Poor-law; but it says much ill blood has been stirred, and it is as likely to vent itself against the New Poor-Law as anything else. And it adds, to which he (Mr. Fielden) begged the attention of hon. Members, "the sending of the military into the town was a most ill-judged act. There was no ground for it. We have great pleasure in stating, by authority, that the magistrates neither directly nor indirectly advised it, neither did the guardians. The magistrates had no idea of their coming until they arrived in the town on Saturday night. It was known that the soldiers were sent in consequence of an order from the Home Secretary of State, but of course that order would not have issued unless plausible reasons for military interference had been stated. We know not who supplied those reasons, but we think that the public has a right to be informed. Till we know who to blame we must withhold further remarks on this point." Now, Sir, it is to obtain the information which this Whig editor seeks and which the public have a right to demand that I have given notice to move for the returns. If all this be true, a more disgraceful affair perhaps never occurred. Mark the time too, the very day and hour when her Majesty from the throne, on opening her first Parliament, was assuring us of the "domestic tranquillity which at present happily prevailed throughout the country."

Yes, these words were uttered by her Majesty in her speech from the throne, when it must have been known to those who had framed that speech that they had taken measures and given orders well calculated to disturb that tranquillity in the industrious town of Bradford. That supplies another reason why the public have a right to demand the returns he had given notice to move for. The public had also a right to expect some explanation from the noble Lord why the customary measure of employing the civil power, instead of a military force, was not first resorted to, as had been done on Monday last, when 250 special constables were sworn in to preserve the peace in this unfortunate town on another meeting of the guardians. Had this been done on the 20th of November last no collision would have taken place between the soldiers and the people, and the peace of the town would have been preserved without the shedding of blood; but it was clear some further design is entertained. In Bradford, which contains a population of 20,000, six constables have been all the force required to govern that town for many years; but the noble Lord was anxious for what he calls a more efficient police all over the country, and this procedure has been adopted to make out a case for this more efficient police. There was reason to believe this was the fact. Let the noble Lord deny it if it be not so. Such a police would subject the people of Bradford to an expense altogether unnecessary, and nothing but dissatisfaction would follow. The people of Bradford were an industrious, well disposed people; they required no coercion. They were willing to labour, and what they wanted was not to be overworked, and a fair remuneration for their labour. Was it unreasonable, then, on the part of these people of Bradford, that they should have shown uneasiness at the attempt to carry out a law so obnoxious as the New Poor law at the point of the bayonet—a law to shut them up in workhouses, if they were in want, before they could obtain relief, and impose restraints on the poor revolting to the feelings of every human mind? The rich as well as the poor of that town were opposed to the bill. A meeting was held there on the 6th of March last to petition the Legislature against it. It was attended by a great many thousands. At this meeting the magistrates (who on the 20th of November had to call out the military to make war on the same people) attended, and one of them, Mr. Thompson, addressed the meeting as follows:—

"Mr. M. Thompson was received with loud cheers, and said, that he felt it to be most conscientiously his duty to come forward on that occasion, in defence of the poor, the weak, and unoffending, who might be reduced by misfortune, and not by crime, to the necessity of applying for relief to the great national charity, first legally established in the latter part of Queen Elizabeth's reign. By that act (43d Elizabeth) was the foundation of the poor man's hope laid—by that was his legal claim established, to support in need, in age, in his infirmity—by that was his claim settled, to demand the aid of his wealthier neighbour in the day of his destitution and distress. This was the English law, but this claim was settled by a higher law still—that of nature, and above all, that of God [hear, hear,]; and he would assert, in direct opposition to the spirit and clauses of the present most objectionable act, that the poor man in the day of his distress had, both from reason and Scripture, a claim upon the funds of his richer neighbour, and that not to be considered as a boon nor as a loan, but as a right. For 300 years this right, established by law, coevally with our Protestant Church, had remained undisputed until the present act emerged from the dark cave of its fabricators —an act which from the first he had, and to the last he should, he must, most decidedly disapprove. He would not condemn every part of it, however; the clauses relating to settlement and removal were decidedly good, and yet capable of further impovement; let them, however, approach the august assembly of the legislature with firmness, and yet with all due deference and respect; and he would hope that its obnoxious clauses would be either modified or repealed as the case required. Those relating to bastardy he considered to be among the worst of them. By them, that is, by their practical working, the seducer of the weaker sex was allowed to go unscathed; and the whole onus of the crime, as to present consequences, was laid upon the, too often, least guilty party. He would most confidently state, upon his own experience, as a magistrate, that so far from bastardy having decreased, it had most fearfully augmented. His frequent communications with the overseers and parish officers around had convinced him that this was the case. Affiliations had, indeed, nearly ceased, but illicit connexion and births had not diminished. He declared that the Commissioners were incapable of judging of the state and merits of the poor; and that this law gave the guardians no power to dispense relief except by certain arbitrary and fixed rules, made by three strangers in London; and that the rate-payers, or their responsible representatives (which the guardians were not), were far more likely to be just, humane, and judicious distributors of this great national charity. He also protested against the workhouse system of the commissioners. Certainly they were prisons; and it was not to be borne, that a poor, but honest Englishman, should be immured in one of those places, before he could demand relief in his necessity. God forbid that he should sanction the system of separating man and wife, contrary to nature, and in defiance of the sacred word of God. [Tremendous cheers, in which the shrill voices of many females, who were present, were distinctly heard.] Was a poor man, reduced by misfortune to the necessity of claiming support from his country, to be treated as a felon? He would never consent to it. But he would show them some of the elevations of those great places. ['Bastiles,' and cries of 'They dare not build them here.'] Here they were appended to the first report of the Poor-law Commissioners. Mr. Thompson here exhibited the plans and elevations, observing that the masons among them would well understand them. He pointed out the order of separation, uniformly arranged for in every one of them. [During this exhibition, the exclamations of the crowd were various—'Put the Commissioners in,' 'Put the Guardians in, let them try it,' 'Down with 'em all.'] When the excitement had subsided, Mr. Thompson proceeded—I have looked over these plans very carefully, but I cannot see any place for your bits of furniture. What is to become of your frugal cottage furniture; is it to be taken care of, or what are you to have to begin the world with again when you come out of these great workhouses? When your cottages are deserted, and the windows all broken, who is to repair them for you, when you escape from your confinement? Gentlemen and fellow-townsmen, I am daily conversant with the affairs of the working people, the situation which I hold brings me into contact with them daily: I know the character and affairs of the working people, and am convinced that they deserve no such treatment in the day of trouble as this Act contemplates. I shall not detain you with further remarks; I shall always be ready, when I feel it my duty, to assert the rights of the poor against every attempt to invade them; and I now most heartily move the adoption of the resolution put into my hands."

A petition founded on the resolutions passed at this meeting was presented to this House by Mr. Hardy, the then Member for Bradford, on the 13th of March, and which is printed in the list of public petitions. Who then, were the declaimers against this Malthusian law, and who petitioned for its repeal? The whole body of the clergy, gentry, and poor people of Bradford, with the magistrates of the town at their head. Yet that House altogether disregarded the prayers and supplications of these people; and when hey ask for protection against having this unchristian law forced upon them by the Commissioners of Somerset House, they are answered by having it forced upon them by the sword and the musket, and by an overwhelming military force. This was a dangerous experiment, and altogether unwarranted. But it was said the Bill was getting more into favour in the manufacturing districts, and that Mr. Thompson, who made the speech he had read, had become satisfied with the new law, and had acknowledged his conversion. This has been said in another Whig paper, the *Leeds Mercury* of the 4th of November. The editor of this Whig newspaper, in his comments on the proceedings of the meeting of Guardians and Mr. Power, held on the 30th of October says—" Mr. Matthew Thompson, a Tory magistrate, who was long and decidedly opposed to the law, but who now came forward manfully to acknowledge his change of opinion * * * * * The conduct of Mr. Thompson does him infinite credit, for it is a difficult thing to confess former error, and to avow a change of opinion; but Mr. Thompson made the avowal at the very time when it exposed him to popular indignation." But what, said Mr. Thompson to the editor of the *Leeds Mercury*, in reply to these remarks? In a letter to the editor, dated November 11, Mr. Thompson writes thus:—

"I beg most distinctly to state my former objections to those parts of the Poor-law Amendment Act I have expressed as objectionable are not removed; and when an opportunity offers I shall be amongst the first to petition Parliament for an alteration of the Act. The clauses 79 to 84 I have always approved; experience has shown that great expense in litigation has been saved, and the comforts of the non-settled poor considerably increased.

"Matthew Thompson.

"Masingham-lodge, Nov. 8."

That was Mr. Thompson's own statement and denial of his mind having undergone any change as to this unfeeling Act. There were only six clauses out of 110 that the Act contains of which this intelligent and practical magistrate expressed his approval. A meeting too was being held in the town of Bradford this very night, called by the constable in consequence of a requisition presented to him, signed by above 350 respectable inhabitant householders of the town, to petition this House for inquiry into the cause of the recent disturbances, and for the repeal of the Act. Why, then, all this haste to force this despised law on this industrious people at the point of the bayonet? Had the same haste been shown to carry out other Acts of which the people of Bradford feel the operation? Had the Factory Act, passed one year before the Poor-law Amendment Act, and made too, to protect young children from being inhumanly overworked—had that Act been enforced? Let another new law-maker, a factory inspector, and whose duty it is to enforce this law, answer this question. Mr. Horner, the factory inspector, in a letter to Mr. Senior, dated in May last, and which correspondence had been published in a pamphlet, says, "I am persuaded that fully one-half of the children now working under the surgeon's certificates of thirteen years of age are, in fact, not more than twelve, many not more than eleven years of age." Mr. Horner might have said many not more than nine or ten years of age, and this he was prepared to prove. Protection to innocent children was denied by those who are resolved to carry out by military force the new Poor-law Act, although there is an Act made one year before the new Poor-law Act to protect these children, and a similar machinery constructed by the Factory Act to that contained in the new Poor-law Act to insure its execution. Why was not the Factory Act enforced? Why did not the noble Lord send down his spy police and the soldiers to enforce the Factory Act? Would the noble Lord give an answer to that question? That is not the only case where the Government has shown neglect of duty towards the poor people of Bradford. In that town and the surrounding district it was estimated there were 25,000 unfortunate human beings dependent for a livelihood on handloom weaving. The distress of these poor people was known to every one. The earnings of the weavers, on the average, was said to be only 4*s*. 6*d*. to 5*s*. per week, and in most cases there were two, three, or four individuals who have to subsist on this sum. The papers abounded with statements, that 1¾*d*. to 2*d*. per day is all these poor people can earn to support them with food and clothing. Now, it would be in the recollection of the House, that an address was voted to her Majesty in July last, imploring her Majesty to issue a commission to inquire into the state of the unfortunate handloom weavers. The commission had not yet gone forth. Why had not that been done? The noble Lord should tell the House. Would it not have been more becoming a Minister of the Crown to have redressed the grievances of the people of Bradford first? And had the noble Lord done so, no necessity for military interference could have arisen. Was it possible, for these people to think otherwise than that the laws were administered leniently towards the rich and harshly towards the poor? The proceedings at Bradford must be attended with such a result. But it was said, that ignorance prevailed in the manufacturing districts of the excellent working of the new Poor-law. The answer that he would give to this charge would be found in the petitions presented to this House last Session. For repeal there were 164 petitions, signed by 201,967 persons. For amendment 152 petitions, signed by 63,796. For exemption from the Act seventeen petitions, signed by 3,269; and in support of the Act only thirty-five petitions, signed by 952 persons. So much for ignorance, if that be ignorance, it overspread the land. But amongst these petitions there was one praying for repeal from Stroud, the borough which the noble Lord represents in this House. This excellent Act was in operation there; the petition was signed by 1,837 persons, many of them of the first respectability. The petition was sent to him for presentation, and he presented it to the House in July last. The petitioners complained of the central board as being unconstitutional. They reprobated the workhouse system and the separation of husbands from their wives, and parents from children—they expressed their unqualified dissent from the principles of the bastardy clause, and they prayed the House to pass another Act, repealing the present Bill, which would recognise an extensive and liberal system of out-door relief in all cases of deserving objects. Now, it would be impossible for the noble Lord to convince the people of Bradford that the new Poor-law worked well, when his own constituents in his own borough thus condemned it. There was no necessity for this law in the manufacturing districts. Lord Althorp, when the Bill was passing through the House, doubted the propriety of introducing it there. What would he have now said, when it was introduced with bullets and bayonets? The noble Lord, the Secretary for the Home Department had better retrace his steps; he was treading on dangerous ground, and he will effect no good, but otherwise, by carrying the law into the north, even if he can succeed. In a return in the third report of the Commissioners the expenditure was given per head, according to the population of 1831, for 1834 and 1837 for all the counties in England and Wales. This return showed—that in 1834, in Sussex, the expenditure was highest, being 18*s.* 1*d.* per head; that in the West Riding of York, in which Bradford is situate, the expenditure was only 5*s.* 2*d.* per head at the same period, being the lowest expenditure of any of the counties, except Cumberland and Lancaster; and that in 1837 Essex was the highest, being 9*s.* 4*d.* per head, and the West Riding of Yorkshire was the lowest expenditure of all the counties except Lancaster, the West Riding being 3*s.* 6*d.* per head, and Lancaster 2*s.* 9*d.* per head. Those facts spoke volumes against the unjustifiable proceedings at Bradford. They show that there was no necessity for this law to be carried there against the will of the inhabitants; and the noble Lord, if he acted wisely, would retrace his steps and recall his soldiers and his police. The hon. Member concluded by moving for the following returns: "A return of the names of any of the metropolitan policemen who may have been sent to Bradford, in Yorkshire, since the 1st of October last, and up to the 22d of November; the number of days that they have been so employed, together with the order of the Commissioners of police, and the precept of the magistrates commanding and authorising the attendance of such police constables at Bradford. Also, a similar account relative to the policemen sent from Leeds to Bradford. Also, copies of any correspondence between the Poor-law Commissioners and their Assistant Commissioner, Mr. Power, and the Board of Guardians, or between those parties and any other person or persons relative to the sending of the London police and the military into the town of Bradford, together with any correspondence that may have taken place relative to the same matters between Mr. Power and the Home-office, between the Poor-law Commissioners and the Home-office, or between any other person or persons and the Home-office."

Mr. *Wakley*, in seconding the motion. said, that it was not his intention to enter then into the question of the Poor-laws, as there was a Committee sitting on the subject. He hoped that any one who felt himself aggrieved under the new system, at Bradford or elsewhere, would come forward. A Committee had been sitting for now two Sessions on this subject, but their inquiries would be utterly useless, and it would be useless for individuals to complain of the new Poor-law system, unless they sent the fullest information as to the grounds of their complaints before the Committee.

Lord *J. Russell* had already stated that he did not object to the substance of the motion. He would object, however, to the giving the names of the policemen who had been sent down to Bradford, for he supposed that the same course that was pursued at Bradford by the opponents of the new Poor-law Act might be adopted elsewhere. When the Commissioners formed a union, it had been the practice of those who were opposed to the new system to call on the people by placards, by speeches, and other means to mark those who were active in forwarding the objects of the Commissioners. Now, as he was not disposed to assist the views of such opponents of the measure, in a course which might lead to assassination, he would not consent to give the names of those men who were sent down from London to Bradford. He would observe, with respect to the course taken by the Poor-law Commissioners, that when they directed the formation of a union at Bradford and its vicinity, they did not send down any set of rules or regulations as to the manner in which relief should be given, further than that it should be by the board of guardians, instead of the overseers, as before. It was left to the guardians to direct the administration of relief according to their discretion under the Act. When he had been asked last year as to the intentions of Government in applying the new Act to the manufacturing districts, he had said that the Government would proceed with caution, that it was not intended to apply it at once to those districts, but that in those districts where a union was practicable and advisable, the Government would not allow the plan to be resisted by force, and that where such force was used, it should be at once met by force on the part of the

Executive. Now, it did appear that when a meeting of the guardians was announced at Bradford great excitement was created, and particularly directed against Mr. Power, the Assistant Poor-law Commissioner, and when, therefore, he was informed that it was probable that force would be used by the opponents of the act at Bradford, he gave directions that such a military force should be assembled as would enforce obedience to the laws, and directions were sent to that effect to the General commanding that district, by whom a force was sent which was sufficient to restore tranquillity. Afterwards the guardians held their meeting without disturbance. It would be admitted that when guardians appointed by law were resisted and openly prevented by force from the performance of their duty, it then became the duty of those who were intrusted with the execution of the laws to take care that they should be enforced. However strongly individuals might feel opposed to the Poor-law, it could not be permitted that they should oppose it by force. When such a disposition was known to exist, it was promptly met and opposed, and tranquillity was restored. It was not his intention at that time to enter into the question of the application of the New Poor-law to the manufacturing districts. He would admit that in many places in the north the poor-laws were much better administered than in others, but though it might not be advisable to introduce the whole law into such districts, yet guardians might meet, and where abuses were known to exist, they might be got rid of, and thus by getting rid of the worst parts of the old system might facilitate the introduction of the better system. He did not say that the new system should be introduced into manufacturing districts, except where facilities existed for its introduction, and when introduced, and when the adjoining districts had the means of knowing how it worked, they might give facilities for its introduction amongst themselves. With respect to the motion, he would suggest that there should be added the words, " so far as it may not be injurious to the public service." He suggested this because in correspondence such as the hon. Member moved for, there occasionally occurred remarks relating to individuals and local circumstances which it would not be desirable to publish. With these remarks he would now withdraw his motion for reading the order of the day for going into the Committee of supply, in order to allow the hon. Member's motion to stand as the original motion.

Mr. *Briscoe* said, he was struck with one observation of the hon. Member for Oldham, that there were 25,000 hand-loom weavers in that district whose earnings did not exceed 4*s.* 6*d.* to 5*s.* per week each. Now, with such a fact before them, could they expect anything else than discontent at Bradford at the introduction of the poor-laws? If relief could be given only in the work-house, how could that mass of beings, who must be in distress, be relieved in the workhouse? For his own part, he should be willing, in or out of that House, to contribute to the relief of those distressed parties, but certainly not to continue them in a trade which did not afford them the means of subsistence.

Mr. *George F. Young* said, that the great objection to the New Poor-law Act was, that it attempted to apply an uniformity of system to places where such uniformity was absolutely impracticable. The system might be made to work well in agricultural districts, but it would not apply to manufacturing districts, and to large masses of the people. If he had understood one remark of the noble Lord it was, that the Poor-law Commissioners did not interfere at Bradford beyond the formation of the union, but that there was no interference with the board of guardians. If so, then what had Mr. Power, the Assistant Poor-law Commissioner to do at Bradford? He also thought it was wrong to send down any of the London police to Bradford. It was not fair to the people of London, who were so heavily taxed, to pay that force. He was aware that 60,000*l.* of the expense was paid by the public, because it was very properly considered that the peace of the metropolis was a matter of imperial interest. He admitted that the money was well applied, and that the metropolitan police was now a very efficient force, and that his first objections to it were altogether removed; but he must still think that it was not fair to the rate-payers in the metropolis to have any part of a force for which they were taxed sent to other parts of the country.

Mr. *Brotherton* believed, that it had been satisfactorily proved to the House that the Poor-law Amendment Act was not applicable to the manufacturing districts of the country. He thought, also, if the people were instructed how to manage their own affairs, there would be no necessity for the interference of the Poor-law Commissioners.

Mr. *Grimsditch* knew that the present motion had been decided on from facts which had occurred. He thought it utterly impossible that the Poor-law Amendment Act could work in these districts. He would just allude to the situation of the union of Macclesfield. This union had been in operation nearly two years, and he held in his hand copies of some of the quarterly accounts, showing the number of persons who had been relieved, and the amount expended; but so great was the number of paupers that he thought it impossible to manage this union according to the new workhouse system. The guardians had purchased a quantity of land for the purpose of building a new workhouse, but this they afterwards abandoned. The union consisted of forty-one townships, extending over 60,500 acres, and with a population of 50,000. For the quarter ending 25th March, 1837, he found, exclusive of those to whom relief was afforded by the workhouse, 3,040 had received out-door relief; for the quarter ending 24th June, the number was 4,447; and for the quarter ending 29th September, 4,587. He would put it to the good sense and feeling of the House whether Government ought not to take these circumstances into consideration, and he would ask whether it was possible that any union could accommodate such a mass of people? He felt assured it was impossible, and he was anxious that the Poor-law Commissioners should take it into consideration as the first point of their inquiry. He was certain that hon. Members would be convinced by the returns he moved for that it was impossible to apply this system universally.

Mr. *Darby* suggested that, as it seemed intended that the law should undergo some change in the manufacturing districts he hoped that an amendment could be made in it to meet the cases of those who in the agricultural parishes had large families about them, having married under the old system. He had taken part in managing a large parish for nearly three years, and he had been since chairman of a board of guardians. His experience proved to him that there were many persons who had married under the old system, and now found themselves unable to maintain their families, a great part of the relief which they had formerly obtained being so suddenly cut off. The consequence was, that while the children went out to pillage, the old couple were left to suffer in poverty, or to take the alternative of breaking up their little establishment and going into the workhouse. If this rule were not relaxed he should give notice of a bill to alter the law in this respect. He did not ask for anything new, but wished that the test of the workhouse system should be continued, only leaving it to the board of guardians to say what exceptions should be made to that regulation.

Lord *J. Russell* observed, that the hon. Gentleman who spoke last did not seem to have well considered the suggestion which he had made. The proposition which he made if acceded to, instead of being an application of the workhouse test, would prove a recurrence to the old system of making allowance to parents. He owned he was afraid of a relaxation of this rule, particularly from the effect which he apprehended it would have of lowering wages.

Mr. *Darby* explained. He did not intend that the scale for affording relief, such as giving it to all children above five years of age, should be observed, but that when the parents who had married under the old law were not able to maintain their children, the board of guardians should have the discretion of assisting them.

Mr. *Brocklehurst* said, he had listened with no small degree of pain to the statement, made by several hon. Members in reference to the working of the Poor-law Act in the northern manufacturing districts, and he felt himself compelled to rise when he heard the lamentable condition of 25,000 weavers so hastily disposed of by hon. Gentlemen below him. Now what did all those complaints and opposition prove, but that something was very wrong? yet, in all that he had heard to-night, no one had referred to what he believed to be the root of the evil. In all the attacks made in that House and on hustings, the remedy had been always kept out of sight, and persons had contented themselves about regulating dietary tables and the separation of the members of families; but would these regulations make the people prosperous? Formerly they measured the prosperity of the cotton trade, for instance, by the pieces of print and calico they exported; alas! now they estimated it by the millions of pounds of cotton twist; in other words, raw material after the first process; and when talking of 25,000 ruined weavers, did it not seem more becoming a Legislature to inquire what became of this twist — did it go to countries, at great cost and inconvenience, to be woven by cheaper-fed labourers? His belief was, that if they put their own artisans on anything like a fair ground to compete with their foreign rivals, they would hear no more about the hardships of the Poor-law Act. From all he saw going on, the time was approaching when necessity would drive them to inquire into that tender subject; they should, then, be right ready to give redress; but if it were long delayed, might they not find that their too restrictive laws had compelled those foreign corn-growers to resort to manufacturing, and unwilling to relinquish their vantage ground?

Motion agreed to as amended by Lord J. Russell.

Court of Session (Scotland).] Mr. *Wallace* wished to call the attention of the House to the petition of Mr. Henry Jones, complaining of the dilatory proceedings of the Sessions Court in Scotland. He believed it had fallen to the lot of no hon. Member before to have had occasion to present two petitions from one individual during the progress of a single lawsuit, but this was the second petition which he had presented from this individual since the proceedings to which the petitioner referred, had commenced. They had had a discussion a few days ago about the Danish claims, and he thought that they would find money enough to satisfy those claims within five years if they appropriated to that purpose the salaries of the useless judges in Scotland. They were to have a Committee upon the pension list, but they ought to have a Committee to inquire into the sinecure offices of the judges of the county courts in Scotland, as well as to those who were not required in the court of session. There were in all ourteen judges who did not sit more than five months in the year, not longer on the average, than two hours a day, during that period. These judges were, moreover, far advanced in life. One of them was between eighty and ninety years of age, and the others were of a very advanced age. The statement of the present petitioner was, that he was an inhabitant of Upper Canada, and that the lawsuit which brought him over to this country had been pending for four years, and that he suffered great inconvenience and injury from the dilatoriness of these proceedings. He had had reason to expect a trial of his case during the Christmas recess, but he now found that the trial was to be postponed to arch next, which would make it altogether four years since the commencement of the proceedings. This delay was the more extraordinary as in criminal cases they had a very efficient and prompt jurisdiction. The hon. Member proceeded to complain that, though a law commission for Scotland had now been sitting for several years, yet they had only made two reports, although so far back as February, 1837, they had been promised another report, which had not yet made its appearance. He concluded by giving notice that he should move that the present law commission for Scotland should be discontinued, and that it should be referred to a Select Committee to inquire into the nature of the jurisdiction of the civil courts in Scotland.

The *Lord Advocate* hoped, before the House adjourned that he would be afforded an opportunity of saying a very few words in reference to what had been advanced by the hon. Member, with respect to the particular case which the hon. Member had made the occasion of introducing a great variety of topics. As he was in ignorance of the circumstances of that case he could not of course enter into them; but a delay of four years in the final decision of proceedings was not greater than had often occurred in the courts here. It was no unusual thing for a suit to be delayed for a period of four years in the courts here, and he believed, in the course of a discussion that occurred a few nights ago, the Attorney-General had incidently mentioned a case in which he was engaged where the delay was equally great. The hon. Member was quite mistaken in his statement respecting sinecure judges. There was one eminent judge of great age, but remarkable for preserving undiminished his great powers, and that judge feeling himself perfectly able to do so, still continued in the performance of his duties. He did not think that whilst a judge was competent to the discharge of his duties he should be expected to resign, and the hon. Member ought also to recollect that when that judge retired from his office he would be entitled to a retiring pension. Now, with respect to these sinecure judges, he would remind the hon. Member that a Select Committee had sat to inquire into the duties and salaries of those judges, and that committee had reported that those salaries were inadequate With respect to the law commission, he believed the commissioners themselves would be the last to object to be relieved of their duties. During the whole time they had acted gratuitously, and whenever their report was laid before the House he was sure that it would be found to be a great boon and a great advantage to the country.

House adjourned.

HOUSE OF LORDS,

Tuesday, December 12, 1837.

Minutes.] Bill. Read a second time:—Municipal Officers' Declaration.

Duchies of Cornwall and Lancaster.] Lord *Brougham* rose to move for certain papers, to the production of which he believed the noble Lord at the head of the Woods and Forests department had no objection—namely, for a return of the net revenue of the Duchy of Cornwall in the years 1832, 1833, 1834, 1835, and 1836, distinguishing that of each year; also the amount of fines received in those years, distinguishing each year's receipts; also the same two accounts for the duchy of Lancaster. It would be impossible to consider the civil list, save as a matter of form, without these returns.

The Duke of *Wellington* was of opinion that the noble and learned Lord had better give notice of his motion. This, he believed, was the first occasion on which an enquiry into the affairs of the Duchies of Cornwall and Lancaster had ever been called for.

Lord *Brougham* thought, it was a very great pity that this subject had never, as a matter of course, been inquired into by both Houses of Parliament. When they were called on to provide revenues for the support of the Crown, could any thing be more reasonable than for Parliament to inquire what means were already at the disposal of the Crown beyond the revenue which it was proposed to grant? If, however, the noble Duke had any objection to the motion being brought forward in this way, he was quite willing to give a formal notice.

The Duke of *Wellington* said, it was usual when a motion of so novel a nature was introduced, which must have reference to the salaries of individuals, that regular notice should be given.

Lord *Brougham* said, that his motion was purposely confined to one particular point—namely, the net produce or revenue of those duchies. It did not refer to an inquiry into the salary attached to any office whatsoever. His object was, to have an account of the proceeds of the duchies in each year. He would, as the noble Duke desired it, postpone his motion till Thursday next.

The noble and learned Lord then moved for a return of the real value of exports to the West Indies and Mauritius for the last ten years, up to January, 1837, distinguishing the amount of each year.

The Royal Message.] Viscount Melbourne moved the order of the day for taking into consideration her Majesty's gracious message.

The message having been read by the clerk,

Viscount *Melbourne* said, he had the honour yesterday to bring down from her Majesty the Queen the gracious message which had just been read, and he now rose to move that their Lordships should take that message into consideration, in order that they should return an address, declaring their readiness to concur in its recommendations, by agreeing to such measures as might be deemed fitting and necessary for carrying its object into effect. With respect to the general object of the message, he was sanguine enough to suppose that there would be but little, if any, difficulty in their Lordships agreeing to it. He was sanguine enough to hope that the loyalty and affection which their Lordships felt towards her Majesty—that the sense of gratitude which they must feel for her Royal Highness the Duchess of Kent on account of the zeal, fidelity, and success with which she had discharged the great and important duties that had been confided to her in the cultivation of her Royal daughter's mind—he was sanguine enough to hope that all these motives combined would induce their Lordships on the present occasion to mark their feelings of approbation by agreeing to such an increase of the income of her Royal Highness the Duchess of Kent as was called for by the difference of the situation in which she was now placed, and as would enable her to support her rank and dignity in a fitting and becoming manner. With respect to the manner in which this object was to be carried into effect, that would be discussed more properly in another place, and it would therefore be unfit for him to enter into any details. He trusted, however, that all the motives, that all the feelings to which he had alluded, that every consideration which could be brought forward, would induce their Lordships to concur at once in a general address, expressive of their readiness to concur in such measures as appeared to be necessary for carrying into effect the object of her Majesty's message. The noble Viscount concluded by moving—

> "That an humble address be presented to her Majesty to thank her Majesty for her gracious message—to assure her Majesty that their Lordships were always most anxious and desirous to avail themselves of every opportunity to evince their dutiful attachment and loyalty to her Majesty's Royal person and family, and to express their Lordships' readiness to concur in all such measures as might be necessary to give effect to her Majesty's most gracious message."

Lord *Ellenborough* said, that in his opinion the noble Viscount was incorrect in supposing that it was usual to answer a message like the present without the House being put in possession of the measures which were to be founded on it. In the case of the message which had been sent down to that House in 1818, relative to the Royal Dukes, Lord Liverpool had stated that he thought it improper to move an address in answer until their Lordships were in possession of the measures to be brought in; and on that account the noble Earl postponed the consideration of the Prince Regent's message.

Viscount *Melbourne*:—In the case of the message relative to her present Majesty, when Princess Victoria, which he believed was on the 3rd of August, 1831, the course adopted was similar to that which he now proposed.

Lord *Ellenborough* understood the rule to be, that the message having come down on one day, it was to be taken into consideration the next? but the question for their Lordships to consider was whether it was not also usual to state first what were the measures to be brought in.

Viscount *Melbourne* said, he believed not. He might be mistaken; but if their Lordships referred to their journals they would find that the course proposed was the regular one.

Lord *Ellenborough* said, they could not look to the journals for the opinions or statements of any of their Lordships; but if the noble Viscount would take the trouble to look at the book which he held in his hand, he would perceive that Lord Liverpool considered it improper to take such a course. On that occasion Lord Liverpool said, in answer to an observation made by a noble Marquess (Lansdown), "that when the object of an address was merely to return thanks for a communication made to the House, the usual practice was, not to postpone it for a day, but to vote it immediately; but, when ulterior measures were to be proposed, it was due to the House that they should not be taken by surprise. He, therefore, thought it improper to propose to move an address until their Lordships were in possession of the measure which was to be recommended."

Viscount *Melbourne* repeated that the course pursued in 1831 was precisely that which was now proposed.

The Duke of *Wellington* thought that there could be no difference of opinion on the subject of the address. His noble Friend near him had merely referred to what had occurred on a former occasion by way of precedent, and to ascertain what was the usual practice. He was quite certain that there was no intention in the mind of any noble Lord to throw any obstacle in the way of the address. When their Lordships considered the conduct of her Royal Highness from the moment she arrived in this country—when they considered the care which she had manifested in the execution of the high duty which was intrusted to her, when they considered the important advantage which the country had derived from that care—and finally, when they recollected the number of years during which her Royal Highness was left without any provision whatsoever to meet the expense connected with the education of her daughter—he was convinced that there was no noble Lord in that House who could for a moment doubt the expediency of at once voting the address in answer to her Majesty's gracious message.

Viscount *Melbourne* said, their Lordships were not called on by the motion to vote for any specific grant, nor to pledge themselves to give their assent to any measure which the House of Commons might send up to them. They had before them what was done on the 3d of August, 1831. At that time Earl Grey stated, in the strongest terms, that the amount of the grant which might be made in accordance with the message then sent down must be settled by the other House, and when it came up to their Lordships, it would be for them to say whether the allowance would or would not be sufficient, and that was all their Lordships could say as to the details. On that occasion no objection was taken to the course proposed by Lord Grey, and he believed that it was the ordinary and general course pursued on similar occasions. The House, therefore, was only called upon to acknowledge the address, to express its loyalty to the throne and its affection to the royal house of which her Majesty was the head, together with its readiness to give due consideration to such measures as should come from the other House in compliance with the message.

Lord *Lyndhurst* did not consider the address as pledging the House to any specific grant.

Lord *Brougham* wished to called the attention of their Lordships more particularly to the address, in order that they might see whether they were about to do anything or nothing except to acknowledge the gracious message from her Majesty. What, then, did the address say? It assured her Majesty, that their Lordships would take every opportunity of showing their dutiful attachment to her Majesty's royal person and family, and that they would heartily concur in giving effect to the object of her gracious Majesty's message, that object being to make a further provision for supporting the dignity of the Duchess of Kent, such increased provision being rendered necessary in consequence of her Royal Highness being placed in the situation of Queen mother. That was the meaning of the address. Now, if the address went merely to express their Lordship's dutiful attachment to her Majesty's royal person and family, to return her thanks for her gracious message, and to declare their desire to contribute in every way to the dignity of the Crown which her Majesty wore, and to the comfort of the family to which she belonged, and of which she was the head, no person for a moment could object to such an address, because it pledged the House to nothing specific. If the address, however, taken in connexion with the message, were to be considered as pledging the House to concur in whatever measure might be sent up to it from the other House for an increased provision for the Duchess of Kent, it was his opinion that their Lordships should pause until they knew the effect of their acquiescence, and what the other House was inclined to grant. Some might say that the proposed grant was too little—that it was not sufficient to accomplish its purpose; but on the other hand, it was possible, in the present state of parties, that there might be a conflict of rivalry between them—that they might wish to outbid each other in the disposal of the income of the public, to show their loyalty, and in that case a proposition might come up, which probably one or two, and he would not say more than one or two, of their Lordships, might think excessive. The address, if carried, pledged the House to whatever was sent up from the other House. Now, in his opinion, it was necessary that that should be modified. He spoke with great diffidence on this subject. He had not the remotest idea of objecting to what had been so well expressed by the noble Duke. He felt with their Lordships, and with a large proportion of the nation, if not with the whole nation, the merits, the high merits of the illustrious personage of whom the noble Duke had spoken. Ever since she arrived in this country, but above all, since she was deprived of the comfort and assistance of her Royal husband, she had been placed in a peculiar situation, in a situation also of the utmost importance. During that period her conduct had been above all censure—it had been out of the reach of censure—and beyond all panegyric. Nevertheless, as they were not assembled to pass compliments on any personage, however exalted, they ought (if they did not meet as a mere matter of formality) before they pledged themselves to an increase of income, as necessary, to be satisfied as to the particulars of the case. He conceived, that they ought, in the first instance to know what was the present amount of the Duchess of Kent's income. He believed that he might venture to ask their Lordships whether they were aware of the amount of that income, without any chance of receiving a satisfactory answer. Looking at the Acts of Parliament connected with this subject, particularly that of 1831, it was difficult to say whether that income was 16,000*l.* a-year, or 22,000*l.* a-year.

He knew, that in at once acceding to the address now before them, their Lordships would feel that they were discharging a most pleasing duty. It was, therefore, exceedingly painful to him to be forced, by the absence of information, into the present line of observation which was likely to be misrepresented, as misrepresented it assuredly would be. He was well aware of the universal and ardent desire which prevailed to make the grant as liberal as possible, and therefore, he repeated, he felt great pain in making these observations. But still no consideration should prevent him from performing an imperative duty. Well, then, he found that the letter of the Act of 1831 limited the grant to her Royal Highness to 16,000*l.* a-year. A sum of 4,000*l.* was then added to the income of 12,000*l.*, which she previously enjoyed for her own life, and 6,000*l.* during the life of herself and her illustrious daughter, in consideration of the expense arising out of her daughter's education. The words of the Act confined the last-mentioned grant to the period "during which the Princess Victoria should continue to occasion additional expense." So long it was enacted should this grant of 6,000*l.* be continued. Such was the letter of the Act, whatever might be said of its spirit. The additional expense had now, however, ceased, and they ought, he conceived, to take into consideration that sum of 6,000*l.* a-year as if it were now to be added to the original income. He was very far from saying that this would be a sufficient provision. It might be completely insufficient. For ought he knew, an increase very much beyond that income might be necessary. But, nevertheless, he should wish to know why they should at once pledge themselves to the affirmative of the present proposition. They ought to consider, whether if they agreed to the address now before them, they could hereafter draw back if they were so disposed, in consequence of what might be proposed elsewhere, and say that the 6,000*l.* a-year to which he had already adverted was, though not exactly in form, an actual addition, for all that, to her Royal Highness's income as originally fixed. He should not be surprised if the civil list were voted quite independently of the revenues of the duchies of Cornwall and Lancaster. If so, surely it was right that Parliament should first know something about the amount and nature of these revenues. He thought although this House was by the constitution of the country restricted to the mere "yea," or "nay" on money bills, that they should, at all events, inquire into the framework of the proposed arrangement, so that the House might not pledge itself to any declaration upon the subject before being fully acquainted with it. If a grant had been asked for any of the princes of the blood—for instance, during the reign of George 3rd., before the civil list had been arranged—it would have been said, "How can we legislate in the dark upon this matter before we know what provision may be made in the civil list, and which may supersede the necessity of any Parliamentary grant?" Why, then, should they be called on to act differently in this instance, when they were about to make an additional provision for the Queen-mother?

Viscount *Melbourne:* Not Queen-mother—the mother of the Queen.

Lord *Brougham* admitted that his noble Friend was right. On a point of that nature, he humbled himself before his noble Friend. He was rude and uncultivated in speech. The tongue of his noble Friend was so well hung, and so well attuned to courtly airs, that he could not attempt to enter into competition with him on such subjects as these. The motions of his noble Friend were more nicely poised and governed on these points than his were. To come back to the point to which he had been calling their Lordships' attention, the Duchess of Kent was nearly connected with the throne, and might it not, he would ask, be a question, whether, from the civil list, ample provision would not be made for her Royal Highness? At all events, in the absence of any information on the subject, surely their Lordships ought not, unless their office was merely to say, "yea" or "nay" to what was proposed to them from other quarters to pledge themselves to any particular course without being fully satisfied that it was just to themselves and to the country. He hoped that their Lordships would reflect before it was too late upon the anomaly, the absurdity, the extraordinary nature of the proceedings which that House of Parliament was now called on to adopt. They were called on in the dark—they were called on when in a state of ignorance, to decide, prospectively, upon what ought to be done, for what he trusted might, and he hoped would be, a very, very long period—a long and happy course of years—

he might say, probably, for fifty or sixty years. They were required to legislate, in one sense, finally and irrevocably, because the present arrangement would be taken as part and parcel of the whole arrangement of the civil list. They were called upon to do this, because they had acted in a similar manner before. The case was, however, diametrically opposite to the former case. The Sovereign was in that instance of a very advanced age. They had then only to legislate for a few years, but they were now required to legislate for perhaps half a century. They could not tell what the value of money might be in five or six years, much less in fifty or sixty. They could not now estimate what the price of anything necessary for supporting the state and dignity of the Crown might be at that distant period. Yet, under these circumstances, they were called on to legislate, when they could not tell what the state of society might be hereafter, when they were in entire and utter ignorance of every particular connected with the matter introduced to them—under such circumstances they were required to tie the country and themselves up to certain arrangements. This was a course of proceeding which, if they had not precedent for it, no man in his sober seness—no legislator—no person who was called on to administer the affairs of a country—would ever consent to adopt. What was done in the first year of George 3rd., in 1760, was no encouragement for proceeding in the same course now. It ought, on the contrary, to operate as a discouragement. It was considered that the provision then made was too little. In two years afterwards Parliament was resorted to for an additional grant, and nine years afterwards another additional grant was required. They would observe, also, how it bore upon the country. If too much was granted, there was no chance of abatement. It was that sort of compact in which one party was fast and the other was loose. If too little was granted, it was a matter of course to supply the deficiency, but if the case were different, if the grant were too large, he did not believe that the most sanguine person in Parliament or the country would suggest an abatement of the provision that had been made. He hoped, therefore, that before the arrangement were finally agreed upon, the propriety of making it temporary would be admitted and acted on—that provision would be made for its being revised and altered, so that the answer, for the next half century, to any one who might be competent to call for a diminution of the provision, would not be the answer that he had constantly heard since he came into Parliament—"Oh, it is a bargain with the Crown, and until a demise of the Crown, takes place it cannot be altered." In order to prevent that, the arrangement should, he conceived, be only temporary. If the provision were found to be too little, steps might be taken for the proper support of the Royal dignity, and in case it appeared to be too large (not at the time the provision was made, but in consequence of circumstances that had afterwards occurred) another arrangement might be adopted suited to meet the change of times and circumstances. In making these observations, which were so intimately connected with the subjects of the civil list his object was to call their Lordships' attention to the peculiar situation in which they were placed. No person could feel more sensibly than he did how painful it was to enter into these matters—no person had a higher sense of the exalted virtues and incomparable qualities of the illustrious individual who had been so often alluded to than he entertained, and no person would more unfeignedly rejoice than he should if, upon an examination of the subject, it should be found necessary to grant the augmentation of income required by the message, in giving his assent to it. It was, however, the duty of their Lordships not to act with their eyes shut, but to understand the grounds on which they were called on to give a pledge before that pledge was given.

Viscount *Melbourne* admitted to his noble Friend and to the House, that this address would pledge, and was intended to pledge, the House to some augmentation of the income of the Duchess of Kent, which was necessary, in consequence of the alteration of the circumstances in which she was now placed, compared with her former situation. Those who thought there ought to be an augmentation would vote for it. Those who thought there ought to be none, under all the circumstances, would vote for his noble and learned Friend against the address if he thought proper to push it to a division or to propose a postponement of its consideration. His noble and learned Friend had said the House did not know what was the present income of the Duchess of Kent. Undoubtedly that income was enveloped in two or three Acts of Parliament, which it was not very easy to interpret. Those acts of Parliament had been carefully examined by the noble and learned Lord on the woolsack, and the law officers of the Crown, and they had given it as their opinion that the Duchess of Kent was entitled, partly for her own life and partly for the joint life of the Queen, to 22,000*l.* a-year. That was the opinion on which the Government acted. The Government conceived her present income to be 22,000*l.* per annum, and he saw no reason why he should not state that it was the intention of her Majesty's Government to propose to the other House of Parliament that there should be granted to the Duchess of Kent 8,000*l.* a-year in addition to that sum, making her whole future income 30,000*l.* per annum. He thought it impossible to say that this was an extravagant proposal. It certainly had nothing of profusion in it; and their Lordships being in possession of that information, being apprised of the intentions of Government in that respect, he could see no reason why they should not at once proceed to carry this address in answer to her Majesty's most gracious message. He had taken the liberty, in the course of the noble and learned Lord's address, to suggest that he was confounding two things—that he was making a mistake in a matter not wholly immaterial in its bearing upon the present question—as if there did not exist a considerable difference between the Queen-mother and the mother of the Queen. The noble and learned Lord said that was only a distinction to be learned in courts — a distinction only recognised where there is glozing and flattery—where tongues are better hung, as the noble and learned Lord expressed it. "I do not know," continued the noble Viscount "I do not know what the noble and learned Lord means when he says my tongue is hung well, I cannot speak of the hanging of the tongue; and as to glozing and flattering, I must be allowed to say I know no man in this country who can more gloze and flatter, and bend the knee, than the noble and learned Lord himself, not one; and, therefore, when he says he cannot compete with me in those arts, I beg leave to say I feel myself totally unable to compete with him when he finds an opportunity or an occasion offers for exercising them." But the noble and learned Lord said, he did not know what the income of the Queen might be—the Queen would have the revenues of the Duchies of Cornwall and Lancaster which might render it unnecessary to make this increased grant to the Duchess of Kent. Now undoubtedly it was the intention of her Majesty's Ministers to remove entirely the veil of secrecy which had hitherto hung over those revenues, to let in the light of publicity upon them; but at the same time they would not advise the Crown to make a renunciation of those revenues, for reasons he would be prepared to state whenever the matter came properly under discussion, or whenever he was called upon to do so. It was their intention to vote what was proposed for her Majesty, besides the revenue of the duchies of Cornwall and Lancaster. If any noble Lord thought that too large a provision for her Majesty, let him say so. If any one thought that her Majesty in consequence of so large a provision should be charged with some other expenses to which the Crown had not hitherto been subject, let him distinctly say so, and the House would understand what they were about. But, undoubtedly the provision which Government proposed should be voted for her Majesty; and the revenues of the duchies of Cornwall and Lancaster should also be appropriated, as they had for so many years been appropriated—for the use of the Sovereigns of England. The noble and learned Lord also suggested that they should not vote the civil list for the life of her Majesty, but reserve the power of revising it, in case a change in the value of money or the altered circumstances of the country should make its revision desirable. But such a reservation would be altogether novel; it would be a departure from the fundamental principles, an alteration of the entire system on which the civil list had hitherto been voted; and he begged leave to say, on the part of her Majesty's Government, that they did not intend to make any such reservation; on the contrary, they would propose the civil list in the form and manner in which ever since the Revolution it had always been proposed, and proceed to debate it in that House as it had hitherto been debated.

Lord *Brougham* said: I must crave permission to trouble your Lordships with a very few observations, in reply to what has just fallen from the noble Viscount with respect to two topics of very unequal importance—one the more important as being immediately relevant to the subject under discussion; the other of little importance to any but one individual—to myself personally. And first as to the less important matter of the two. I positively and solemnly deny, and I call upon the noble Viscount to produce his proofs, that I ever in my life did, any more than I ever in my nature was capable of doing, that which the noble Viscount has chosen to-night, unprovoked, to fling out as a charge against me—[Viscount *Melbourne*.—Not "unprovoked."]—I say utterly unprovoked. I spoke in as good-humoured a tone, with as perfectly inoffensive a meaning, as it was possible for man to speak with, or for man to feel, when my noble Friend observed, with a contemptuous sort of air, that I should not say "Queen-mother, but mother of the Queen," as much as intimating, "Oh! you know nothing of these things—you don't speak the language of courts." I said far be it from me to enter into competition with the noble Viscount, whose tongue is now attuned and hung to courtly airs. My noble Friend answers that, by saying he cannot enter into competition with me in hanging of the tongue. It was not the hanging of the tongue I spoke of—it was the attuning of the tongue—the new tune, with recent variations to which his tolerably well-hung tongue had now attained. But that he should take such an opportunity to level a charge at me which he knows—which he must feel and know, when he comes calmly to reflect on it—is utterly and absolutely, and I may add notoriously, inapplicable to me, produced in my mind, not unaccustomed to feelings of astonishment of late years, I own some little degree of surprise. I repeat what I have already said—first, that the imputation or insinuation that I ever in the discharge of my duty stooped to gloze or to bow before or to flatter any human being, much more any inmate of a court, is utterly, absolutely, and I will add notoriously, without foundation. The next part of the insinuation is, if possible equally groundless, that if I had an opportunity of having recourse to these arts, peradventure I should excel in them. I want no such opportunity. If I did, I have the opportunity. I disdain it. No access which I have had has ever to the injury of others, to the betrayal of duty, to my own shame, been so abused—not even for one instant; and opportunity to abuse it I have, if I were base enough so to avail myself of it.

Lord *Abinger* could not see what connexion all this had with the address to her Majesty.

Lord *Brougham* begged the noble and learned Lord's pardon. He ought to apologise for having been led away by personal matter from the subject more immediately before the House. The proposition was substantially to add 14,000*l.* a-year to the provision for the Duchess of Kent. Her Royal Highness, had now 22,000*l.*; but the expences for which 6,000*l.* a-year wa granted had ceased to press on her on the accession of the Princess Victoria to the throne, and they were now about to add to it the annual sum of 8,000*l.* If their Lordships did not think that too large an accession, of course they would grant it; for his own part, being utterly in the dark on the subject, until he heard more particulars with respect to the exigency of the occasion, and the details of the necessity which was alleged to exist, although he would not divide, lest he should stand alone, and have nobody to tell, he must content himself with protesting against the additional grant.

Lord *Abinger* could not think his noble Friend was correct in supposing, that by agreeing to this proposal, their Lordships necessarily pledged themselves to a dopt whatever proposition might be sent up from the other House, the words of the address being only general "to do what is fitting and proper," in that respect.

Address agreed to.

HOUSE OF COMMONS,

Tuesday, December 12, 1837.

MINUTES.] Bills. Read a first time:—Waste Lands (Ireland).—Read a second time:—Civil List; Slave Compensation.

Petitions presented. By Sir H. VIVIAN, from the Clergymen and Inhabitants of a Parish in Cornwall, against Church-rates.—By Mr. DENISTOUN, from Glasgow, against the Spirit Duties.—By Sir EARDLY WILMOT, from an Anti-slavery Meeting at Exeter-hall, against the system of Apprenticeship in the West Indies.—By Sir CHARLES LEMON, from a Polytechnic Society, against the Assessed Taxes.

ROMAN CATHOLICS OF NEWFOUNDLAND.] Mr. *Hume* rose to present a petition from the Roman Catholics of Newfoundland, signed by 3,217 persons. Several of the parties who had subscribed it were Members of the House of Commons in that colony, and they stated in their petition a long series of oppressions, which had been inflicted upon its Roman Catholic population. They complained that they had been deprived of all share in the civil employments of the island, and that they had been treated with every species of indignity which Judge Bolton and the other justices of the colony could throw upon them. They further alleged that no Catholic was permitted to enjoy any situation of importance, and they prayed the House, after taking these premises into its consideration, to secure them the free and unrestricted worship of God, according to their consciences, whether in the chapel or in the dungeon, and to remove those officers from all situations of trust in the colony who had been ancillary to the system of bigotry and persecution.

Mr. *O'Connell* supported the prayer of the petition, and said, that he had been informed by a person of good faith, that Mr. Bolton, the chief justice of that island, had been at the head of an exceedingly bitter and malignant persecution of the Roman Catholics of that island.

Petition laid on the table.

VOTE BY BALLOT.] Mr. *Hume* presented a petition from certain electors of Middlesex residing in the village of Hammersmith, complaining of the intimidation practised upon the electors at the late election by certain magistrates of that district, who took their stand in the most conspicuous parts of the polling-booths there, for the purpose of observing how the different tradesmen of that place voted, and praying for the adoption of the vote by ballot as the only means of putting an end to such coercion and intimidation in future. He could from his own personal knowledge confirm the truth of many of the statements contained in this petition, and he knew that great inconvenience and considerable loss had been sustained by many parties in consequence of the oppressive conduct which the petitioners denounced. He alluded more particularly to the case of the keepers of public-houses, who were dependent almost on the pleasure of the magistracy for the renewal of their licences. He could prove, if it were necessary, at their bar, that in Middlesex magistrates had gone a canvassing in public-houses in such a manner as made the keepers of them feel that the renewal of their licences depended on their not resisting the will and pleasure of those who had the power of withholding them. That was an evil, however, which was not confined to Middlesex; it unfortunately extended all over the country, and the House of Commons was, therefore, bound to discover a remedy for it. The hon. Member then proceeded to present a petition with a similar prayer from the inhabitants of the village of Castle Hedingham, in the eastern division of the county of Essex. That petition complained of the ross bribery which had been practised at several of the elections in that county. He could say from his own knowledge of a county neighbouring on that village, he meant Norfolk, that gross bribery had been employed by both parties at the recent election, so that the elections there were rather elections of money influence than elections bespeaking the genuine sentiments of the electors. He considered that the authors of the Reform Bill, the present Ministers, should——

Sir *Stratford Canning* submitted, that although the House always listened with pleasure to every word which came from the hon. Member for Kilkenny, who so frequently addressed it, he must suggest that the hon. Member was then going beyond the limits usually assigned to the remarks of hon. Members on the presentation of petitions.

Mr. *Hume* did not admit any such rule as that which the right hon. Gentleman had adverted to. It was a rule which, if admitted, would deprive the people of England of the benefit of the right of petition. He was not going beyond the usual limits, and even if he were, he would stand upon his right—

Sir *S. Canning* appealed to the Chair, and called upon the Speaker to decide whether he had been right or wrong in the observations which he had made respecting the rule of the House.

The *Speaker*: If I am thus appealed to, I must state again what I have often stated before—that, when I was first appointed to this Chair, I found that great inconvenience was felt by the House in consequence of the protracted debates which took place upon the presentation of petitions. Various plans were in consequence suggested to remedy that inconvenience, one of which would have taken the petitions entirely out of the consideration of the House. The only way of getting rid of it appeared to be by adopting a morning sitting. That was, however, a proceeding which, after three years' experience, was found to be extremely inconsistent with the daily avocations of hon. Members, and I am bound, with respect to myself, to say that if I should be obliged to sit here every morning, from twelve o'clock to three, for the purpose of receiving petitions, I must leave another, and a very important, part of my duties undischarged. Therefore it was, that this rule was laid down, and, as I understood, was approved and sanctioned by the House, that the proper time of discussing all petitions which had reference to subjects hereafter to be discussed by the House was when those subjects were specifically brought under its consideration. Another rule was, that any Member presenting a petition, and giving notice that he would on an early day bring the subject of it under the notice of the House, should be entitled to have that petition printed with the votes. There were, however, two cases of exception made to these rules. The first was this:—whenever an individual was assailed in point of character, it was deemed that the presentation of a petition would be a fitting opportunity for him to give any explanation or refutation of the charge that was in his power. The second case was where any thing was stated in the petition which required the prompt vindication and interference of the House. The House will see that I can have no interest in the matter beyond the convenience of the House. The House will, however, see that if the rule be not strictly drawn, and rigidly adhered to, it is no rule at all. Many things may be said on the presentation of a petition which will lead to discussion—many things, which will not produce it. On the present occasion, I was observing a neutral course; but as I am appealed to, I must observe that the hon. Member for Kilkenny is going beyond the usual rule. Whenever the House intimates to me that it is dissatisfied with that rule, and that it wishes to see that rule relaxed, I shall feel it to be my duty to place the rule again under its consideration, and to submit to any decision to which hon. Gentlemen may think it expedient to come.

Mr. *Hume* observed, that the Speaker had stated the rule very correctly; but it appeared to him that the inconvenience arising from the observance of the modern rule was greater than that arising from the previous practice. The rule had been productive of serious detriment to the people of England, as it amounted, in point of fact, to something very like a suppression of their complaints, their wants, and their wishes. Formerly, the presentation of petitions, as the Speaker would well recollect, occupied the time of the House every evening till eight or nine o'clock. In his opinion no time was lost by that practice, as a mass of information was then driven into the minds of the most inattentive Members, which produced fitting results in due season. The public, moreover, took more interest in the brief but sharp skirmishes which occasionally took place on petitions than it did in the more elaborate speeches which were discharged amid the complicated manœuvres of a grand field day's debate. He submitted that even the House itself had no right to lay down a rule, which, in point of fact, deprived the people of England, if not of the right of petition, at least of the opportunity of making their petitions known to the House and to the public. It must rest with the discretion of hon. Members themselves to determine the extent to which they would carry their remarks. ["*No.*"] He said yes. The discretion of every hon. Member must be the only limit of his remarks. What was the object of the right hon. Gentleman opposite in calling him to order? He had stated the facts set out in the petition—he had stated the prayer of the petitioners, and what they wished to have done to carry it into effect, and he had been about to state what he had a perfect and undoubted right to state—that the country had a right to expect that those Ministers who had introduced the Reform Bill as a means of extending the right of suffrage would complete that Bill, and render it more effective, by giving immediate protection to those who were entitled to the franchise under it. He would not admit either the correctness of the right hon. Gentleman's conduct in calling him to order, or the wisdom of the order on which the right hon. Gentleman had relied.

The *Speaker:* I will not enter at present into the policy of the rule: but what is material for me is, that the same rule should be applied to all. I cannot permit one hon. Member to enlarge upon the petition which he presents, and then refuse the same permission to another. I urge upon the House that, if it wishes to depart from this rule, it ought to make me perfectly secure as to what it wishes to have done.

Petition laid on the Table.

GLASGOW WEAVERS.] Mr. *Harvey* rose and said, that whatever might be the opinion of the House with respect to the presentation of petitions not having a material bearing upon subjects under its consideration, that which had reference to the instant trial or liberation of persons under confinement called for the ready sanction of the House. The petition which he had now the honour to present was from Glasgow, and was signed by twenty thousand persons; and its object was to bring under the consideration of the House the case of five poor citizens of that place, who were placed in confinement by direction of the law officers of the Crown. In bringing this petition forward, he desired it to be understood that he expressed no opinion whatever as to the character of the charges brought against these persons, or whether the parties implicated were guilty or innocent. It was enough for him to bring the matter before the House to enable the law officers of the Crown to give an explanation as to the course which they intended to pursue. It appeared that in June last, eighteen persons, engaged in the weaving of linen, were apprehended, charged with conspiracy, for the purpose of unduly raising the price of wages. They were also charged with combining to administer illegal oaths, and with being implicated in the perpetration of a murder which took place in Glasgow. After undergoing a long examination, five of those persons were sent to prison under this very serious and complicated charge. The remaining thirteen were let out on bail. These five individuals had been imprisoned from June up to that moment. On the 24th of October, they received notice that they would be tried on an indictment—an indictment, be it remembered, which occupied forty-nine long folio pages, containing almost countless counts, and spreading over a long-protracted period of time. Of this complicated expensive indictment they had to take a copy, which had on the back of it the names of ninety witnesses. These parties had to prepare for their trial and defence, which they received notice on the 24th of October was to take place on the 10th of November following. Conscious, as they said, of their innocence, though poor in circumstances, ignorant of the law, and overwhelmed by these complicated proceedings, they determined at once to throw aside the means of protection by delay, which the law of that country afforded them, and to challenge instant trial. Having no funds of their own, and but few friends, they made an appeal to their own order, the working classes. These classes did not instantly respond to their call, but referred the circumstances of the case to a committee, in order to be satisfied that they were not only legally but morally innocent. Being so in their minds, they felt it their duty to call upon the working classes of every description throughout the country to come forward and throw their shield over their oppressed fellow-workmen; and thus in these times, when it was well known that labour was not overpaid, such was the interest taken by all classes of this description, that the sum of 500*l.*, greatly to their credit, was remitted to Edinburgh. That money was barely sufficient to pay the expenses of their defence against the complicated proceedings, in retaining counsel, in preparing evidence, and conveying their numerous witnesses to Edinburgh, at which place the trial was to be. He was told that, in addition to the necessary inquiry into what ninety witnesses, whose names were recorded upon the indictment, might have to say in support of their charge—no small labour for those who were professionally engaged — no small cost to those who had to pay it—these parties had to take to Edinburgh fifty witnesses for their exculpation, perfectly prepared to repudiate the charge and sustain their innocence. On the 10th of November the trial was to take place, when they received some intimation from the prosecutor that it would stand adjourned till the 4th of December. This was the power which he understood the law officers of the Crown had in that country, and in this instance had exercised. This knocked down the courage of the men and exhausted all their means, and they had been again obliged, but not with similar success, to make another appeal to their fellow-citizens to meet the trial, which was to come on on the 4th of December; yet to a certain extent they did so, and were prepared for their trial on the 4th of December; but a short time previously they received another communication from the law officer of the Crown, that this indictment was not then to be tried, but that another indictment would be prepared, and that such indictment was to be tried on the 3rd of Ja nuary next. Now these were the simple circumstances of the case. These helpless individuals, who had been incarcerated in a dark and dreary dungeon from the month of June last, scarcely with any food and their families without support, having no means of succour but their labour, from which they were cut off, had been brought to the bar twice, and now their trial was deferred for the third time. It was not necessary for him to go further into the circumstances of the case. He would concede for the present that the crime with which they were charged was of the most heinous description; he would presume that the prosecutor was perfectly able to make it out that they had been guilty of the serious offences of which they were arraigned; that they might be fairly exposed to the strongest sentence of the law; and yet he would ask the House whether persons so circumstanced were to be made the sport and prey of an oppressive system of law like this? It was nothing to say that the defenders of the prisoners might have challenged the time which the Crown had taken; it was nothing for the Crown officers to say that they had done nothing but what the law had empowered them to do. What these parties claimed was prompt and costless trial. Law and justice had both been delayed; and he asked the Lord Advocate in what way these parties, stripped as they were from the beginning, of all the means of payment, with those resources already exhausted which were with difficulty raised from a poverty-stricken people—in what way were they to appear on the 3rd of January, with that formidable array of Scotch advocates, who, if not led by the Lord Advocate himself, would be enough in number and strength to overwhelm even the purest innocence? He asked in what way were they to have their trial? On the 10th November they were prepared with the most able advocates which money could purchase, and it might be said that the advocates of the Scotch bar would appear again with equal eagerness without further remuneration; but how were the fifty witnesses' expenses to be paid—men who were unable to earn 10*s.* a week, yet who were to be brought a distance of forty miles and back, from Glasgow to Edinburgh? He did not offer any opinion on the charge itself against these prisoners, nor did he call on the House to make any exercise of its powers. All he wished was, that it should be practically shown that no man should be treated as guilty until ascertained to be so by the law of his country; and that these persons should be forthwith discharged, or their trial accelerated; or if not, then that they be supplied with the means of procuring a fair and honest trial. He had also another petition to the same effect from the burgh of Kilmarnock.

The petitions having been brought up,

The *Lord Advocate* said, that he could have no difficulty whatever in answering any part of the statement of the hon. Gentleman; a somewhat similar statement had been made some time before by another hon. Member, and the answer then given would almost equally apply now. There was not one part of the statement of the hon. Member that did not admit of a sufficient answer. The charge against those individuals was one of the most serious nature, a charge of assassination, the result of a conspiracy carried on by an association which had subsisted during a number of years, and which had during that time produced similar offences—an association bound together by secret oaths, and supported by a system of intimidation; so powerful and well-compacted as to render the procuring of evidence to commit almost impossible. It being a charge, then, of so serious a nature, it became the duty of the public prosecutor to carry forward the prosecution by all the means in his power, taking care that no unnecessary expenses were incurred, and no unnecessary hardships inflicted on the prisoners, but that every possible advantage consistent with the due maintenance of public justice, should be afforded them. There had been great delays undoubtedly, but the law required them. If they could have been tried at half an hour's notice, it would have been then called a great hardship that so short a time was allowed. For his own part he was very much disposed to shorten the time. He would say hat two or three days were quite long enough, and it would be a great convenience to the public prosecutor to have the time shortened; but a great outcry would certainly be raised at such a proposition; for it would be said that the public prosecutor was pouncing on the prisoners at a short notice merely to suit his own convenience, while by the law of the country they were entitled to fifteen days' notice. In the present instance great delay had been caused in consequence of the extreme difficulty of getting the necessary information. It was the duty of every public prosecutor to make the evidence as complete as he could before proceeding to trial. On the day when this trial should have come on he received information that very important further evidence had been discovered; that there were other witnesses who would throw great light on the matter. It, therefore, became his duty to gain time, for the purpose of ascertaining the value of this new evidence, and, if necessary, of causing an additional indictment to be preferred, because, according to the law of Scotland, no witness could be examined whose name was not in the indictment. It accordingly became necessary to raise new criminal articles, in order to afford the opportunity for examining these witnesses. That was the reason why, in discharge of his duty, he had thought himself bound to move that further delay. He was quite sure that no Member of that House would be found to impute personal motives to the law officers of the Crown in these proceedings, for doing that which they, in the discharge of their public duty, held to be necessary. It was also said that there was a great array of counsel against them. Why, there was a greater array of counsel against them than in their behalf, and they appeared to have every means of defence. But if they had not those means of defence, they were entitled to call on the court to appoint for their defence any counsel whom they might think fit; and he was quite sure no Scottish advocate would refuse to plead under such circumstances. The accused in Scotland had also the advantage of having the last word, which they had not in England. Upon the whole, therefore, he was persuaded that the Government, in the present case, had acted fairly and properly.

Mr. *Pringle*, aware of the custom and the law of Scotland, could assure the House that upon the statement of the hon. Member for Southwark, which was made with great propriety, no case had been made out for the interference of the House.

Mr. *O'Connell* said, that he had not the least doubt that the persons confined for the murder were innocent; but there was such an entire system of combination, that he thought it ought to be inquired into, or they would never be able to get at the guilty persons.

Petition laid on the table.

PROPERTY BELONGING TO MARRIED WOMEN.] Mr. *Lynch* moved for leave to bring in a Bill to enable married women, with the consent of their husbands, to pass their interests in chattels personal. The hon. Member said, that the object of the Bill was to remove an anomaly in the law which was attended with great inconvenience, litigation, uncertainty, and expense, and he hoped, therefore, that no objection would be made to its introduction.

Sir *E. Sugden* said, that he did not think this was a fit subject for legislation. He thought the Bill would work great hardship and injustice if it were allowed to pass, as it would have the effect of depriving married women of what might be their only means of subsistence.

Mr. *O'Connell* hoped, that leave would be given to bring in the Bill, as the House would then have a better opportunity of judging of the plan of the hon. and learned Member.

Sir *R. Peel* did not rise to offer any objection to the introduction of the present Bill, but merely to express a hope that her Majesty's Government would consider the bearing which these individual acts of legislation would have upon the general statute law of the country. They had appointed Commissioners with a view to consolidate the law, and if individual Members, although with the best intentions, brought in Bills without a full consideration of the bearing of their individual propositions upon the general statute law, he was afraid that the statute law would become more complex and confused than it was at present, and their desire to consolidate it would be defeated by the introduction of these individual measures. The hon. and learned Member had no less than five distinct notices on the books. Now, if other hon. Gentlemen followed his example, he (Sir R. Peel) was afraid that the result would be a still further complication of the law than that which at present existed.

The *Solicitor-General* concurred in the general observations of the right hon. Baronet; but with regard to the present Bill he thought the law was open to much amendment, and that at least the hon. and learned Gentleman ought to be allowed to have an opportunity of laying his plan before the House.

Leave given.

Fictitious Votes (Scotland).] Mr. *Horsman* moved the appointment of a Committee to inquire into the practice of creating and registering fictitious and improper votes in Scotland. As a similar Committee had been appointed last year, he did not anticipate that any objection would be now offered.

The names of the Committee having been read,

Mr. *Pringle* said, he had never heard the names till then, and he must confess that he heard them with considerable surprise. He had hoped that the Members of the Committee of last year would have been re-appointed, at least so many as were still in the House, if it was expected that the Committee should draw up a fair report. At present it appeared to him that the names had been selected in such a manner as best to ensure a report favourable to the hon. Member's (Mr. Horsman's) own views. He would move that the names of the hon. Members who constituted the Committee should be again restored to the list; and if that were not complied with, he would move that the consideration of the nomination be adjourned to a future day. He thought that he had reason to complain that the hon. Member for Cockermouth should have nominated this Committee without holding some communication on the subject with the opposition side of the House.

Mr. *Horsman* said, that it was impossible that the hon. Member could have heard the names of the Committee, or he would not have brought an accusation of unfairness against him. There certainly was one charge to which he must plead guilty. It might be for want of discernment on his part, but he was not aware that the hon. Member for Selkirkshire was the authorised medium of communication with the other side of the House. He had thought it his duty to communicate with an hon. Member on the other side of the House, who had been a Member of the Committee of last year: he alluded to the hon. Baronet the Member for Buckingham (Sir T. Fremantle.) There was one objection to the course proposed by the hon. Member for Selkirkshire; namely, that if hon. Members told him that they had rather not serve on the Committee, that circumstances prevented them attending, he had no means of compelling their attendance. Under these circumstances, in every instance in which he had been compelled to substitute a name he had substituted a Member of the same politics. The Committee of last year had been struck as fairly as possible: there were eight from that side and seven from the opposition side. On the present occasion the same thing was done. The two hon. Members who had been selected to replace the Members of the other side of the House who had served on the Committee of last year were recommended by the hon. Baronet the Member for Buckingham. He had done everything in his power to obtain a fair inquiry.

Sir *R. Peel* considered that the mode adopted by the hon. Mover was perfectly satisfactory. The principle on which the Committee was appointed appeared to him to be a fair one, but he hoped that the nomination of the Committee would be delayed for at least twenty-four hours, in order that hon. Members on the opposition side of the House might have an opportunity of considering the subject.

Sir *T. Fremantle* said, that certainly the hon. Member for Cockermouth had consulted with him as to the names, and they had entered into the arrangement mentioned; but of course that arrangement was in no way binding on the House—it was merely a matter of convenience to both parties, which was usual in such cases. He must, however, say that he had not seen the names of the present Committee before. He understood that the names of the Members of the Committee of last year would have been retained as far as it was possible to do so, but he found several Gentlemen who had not served on the last Committee proposed now. These were Mr. R. Stewart, Lord J. Stewart, Mr. E. Ellice, junr., and Mr. Gillon. He must therefore protest against his name being used as agreeing to this Committee, which had to inquire into a matter involving a great deal of party interest.

Mr. *Horsman* said, that he did not say that the hon. Baronet had seen the names of the Committee. All he said was that the hon. Baronet agreed to substitute the names of two Gentlemen from his own side of the House in the room of two other gentlemen of the same political opinions who had retired from the Committee, or who were no longer Members of the House. He had asked all the old Members of the Committee to serve again, but on the refusal of some of them he had been obliged to substitute others. He was quite prepared to hear to-night the names of several Members on the hon. Baronet's side of the House who would not be able to serve; and he fully intended to allow the hon. Baronet to supply their places as he thought proper. As to the names on the old Committee which he Mr. Horsman had substituted by others, he thought the hon. Baronet would admit that there was no great difference in their politics when he mentioned the names of the former Members, namely, Mr. Fox Maule (no longer in Parliament), Mr. Dunlop, Mr. Divett, and Mr. Warburton.

Appointment of the Committee postponed till next day.

WASTE LANDS IN IRELAND.] Mr. Lynch moved for leave to bring in a Bill to promote the reclamation and improvement of uncultivated lands in Ireland.

Sir *E. Sugden*, after admitting the importance of the subject matter of this Bill, and of the other Bills for which the hon. Member had given notice for this evening, expressed his disapproval of the practice which had lately grown into use in this House of introducing Bills without general statements of their objects and utility, and reserving all debate upon the subject of them till their subsequent stages. This practice, instead of throwing the *onus* of making out a case of necessity for his Bill upon the mover, threw the *onus* of making objections to it upon those who disapproved of it, and then only left to the mover the trouble of replying to the points which had been made out against him. He thought the subjects of the present Bills required great consideration; they contained many valuable suggestions, but he should be glad if they were introduced so as to allow time for their perusal and consideration during the recess.

Mr. *Lynch* said, that the subjects which these Bills embraced had been considered in Committee, and he had taken care to guard against the objections which had formerly been urged.

Viscount *Morpeth* observed, that these Bills had been introduced last Session, and contained many valuable suggestions. He certainly thought it would be an advantage that hon. Members should have an opportunity of seeing those measures before the recess; and he understood that they had during the holidays received the best attention of the hon. Member who introduced them. He hoped the House would be inclined to adopt the present motion, on the full understanding that before they were pushed to a subsequent stage, not only the Government but the House would be afforded the opportunity of making itself completely cognisant of them.

Leave given.

CONVENTION OF EVORA MONTE.] Mr. *Borthwick* said, that, as he considered the papers for which he was about to move, were subjects of too great importance to be fully gone into in the absence of the noble Lord at the head of the Foreign Department, he should abstain from touching upon many parts of them to which, had the noble Lord been present, he should have thought it necessary to call his attention. As, however, he had the authority of the noble Lord opposite (Lord J. Russell) that the papers should be granted, he trusted he might be allowed to state a few of the grounds on which his motion was founded. In the year 1833 the quarrel of the succession in Spain assumed that formidable aspect which still continued to press upon the industry, to excite the passions, and to cloud the hopes of that unfortunate country. Donna Christina, who was then, as now, the *de facto* Regent, adopted divers measures with respect to the succession, which were calculated to rouse the scarcely slumbering passions of the people. He alluded more particularly to the manner in which the Royalist troops, consisting of about 250,000 men, were disbanded; a body which up to that period had been considered as the principal bulwark and shield of the country. Many men of high rank and consideration in Spain had thereby been dismissed from offices of importance, because they approved of what were called Royalist politics in Spain. That created so much confusion that hatred began to assume the form of violence, and violence, in many instances, that of bloodshed. In this state of things, a body of men, to the amount of 950, who had formed themselves into a corps of volunteers in support of these politics, had found themselves obliged to seek refuge in Portugal, and ought afterwards to have obtained their liberty, in virtue of the treaty to which his motion more particularly referred. A Gentleman had some time ago asked the noble Secretary for Foreign Affairs as to the present prospects and future hopes of this corps. The noble Lord then expressed it as his belief that their situation was not so desperate or deplorable as had been represented in the newspapers and other quarters, but said that he would forward the petition placed in his hands by the hon. Member for Oxford to the Portuguese Government, and communicate the answer as soon as he received it. Under these circumstances, he (Mr. Borthwick) would not have called for the production of the papers to which he referred, if it had not been for two facts. His hon. Friend (Mr. G. Price) the late Member for Sandwich, had, by the authority of the persons so imprisoned, laid before the noble Lord a statement of the facts of their case, and required his interference in their behalf; but to that communication the noble Lord had from that time to the present given no reply, although he had, with such a statement before him, expressed his belief to the hon. Member for Oxford that the situation of these persons was neither so uncomfortable or desperate as had been represented. Now, what were the facts? Why, that those persons were now confined in a ravelin of Fort St. Julian—that means were on foot for delivering them up unconditionally to the Christino Government, and that they prayed, whatever might be their fate, that they would be spared so serious a calamity. It was on the broad ground of humanity, and not of policy, that he appeared as their advocate in that House. He did not ask hon. Gentlemen to agree with him in the views he entertained with respect to foreign policy—he did not ask them to pledge themselves to any opinion on the subject of the rival claims to the Crown of Spain—but he did call upon that House to consider well the statement of these prisoners before they consented to their being surrendered up to the tender mercies of the Christino Government. Hon. Gentlemen would recollect what occurred in 1833. In 1833 Don Carlos was resident in Portugal at the death of his brother, King Ferdinand, but he lived there as a private individual. He did not, however, conceal his pretensions to the Crown of Spain, but he took no part whatever in public affairs. At that period Portugal was the scene of civil commotions. It was highly dangerous to travel the roads, as they were all beset by the hordes of the rival powers then contending for the Portuguese Crown. There were then with Don Carlos 950 Spanish emigrants, of whom the 600 of whose unjustifiable detention he complained were a part, and they formed themselves into a battalion for the protection of Don Carlos. These parties never drew sabre or sword, or took any part, in the quarrel against the Queen of Portugal; on the contrary, they strictly confined themselves to the only object which they had in view, namely, the protection of Don Carlos. Don Miguel finally capitulated, and the agreement—the international agreement—then entered into between the Queen of Portugal and her allies, the Evora Monte treaty, was inserted as an additional article; so that, in fact, the papers for which he moved formed part and parcel of the title of the Queen of Portugal to the possession of the throne of that country. In an historical work on the revolution in Spain, by Walton, he found a translation of this treaty, and, therefore, without undertaking to say whether it was an accurate one or not, he would venture to give the substance of the treaty as he found it in the work to which he referred the House:—

"His Royal Highness the Infante Don Carlos shall leave Evora with his suite on the 30th of the current May, for Aldea Gallego, where he shall embark.

"In his journey thither the Marshals of Portugal will answer for the personal safety of his Royal Highness and suite, and provide for him such escort as his Royal Highness may point out.

"The Spanish subjects who may be in Portugal, compromised in the service of his Royal Highness, shall be received in a provisional dépôt at Santarem, whither they shall go under such escort as may be necessary for their security.

"The Portuguese Government shall give them the means of subsistence in the dépôt until they may be able to go therefrom without danger to some other place of residence."

Now, in pursuance of the stipulations contained in this treaty, it was suggested by Mr. Grant, the Secretary of his Britannic Majesty's Legation then in Portugal, that these 950 persons should be assembled at Aldea Gallego, and that proper provision should be made for their protection. This was done. There were then but two ships of the British fleet there to take them away, and in these vessels 240 embarked, and were conveyed to Antwerp and England, according to the terms of the treaty. This left 680, whose liberty, up to this time, had never been called in question, either by the Portuguese or any other Government. At Aldea Gallego these men were left defenceless and unarmed, and, instructions were afterwards given to them to go to Santarem, on the understanding that all necessary provision would be made to insure their safety and protection. No such protection was, however, afforded to them, but still this body marched the whole distance from Aldea Gallego to Santarem in the short space of five days. It was melancholy to recal to mind the hardships which they had to endure during those five days. They were not only driven from every village and town through which they passed, or in which they sought shelter or relief, but nowhere was protection afforded to them. The only subsistence they were able to obtain was the roots which they picked up, and the only shelter they could procure was such as the forests in the line of their march gave to them. Many of them died of hunger, and more perished by the hands of assassins, who waylaid them, and, even at that moment, the plains on the banks of the Tagus bore melancholy witness of the fact that this treaty—a treaty which bore on it the stamp of British sanction—was violated in the face of Europe, for literally the bones of these victims now lay whiteening on that ground which was so well known to British valour, and which was so dearly in the recollection of every Englishman. But he would not trouble the House by detailing the sufferings of these unfortunate men in all their marches and counter marches. Suffice it then to say, that in one short month, from the 30th of May, 1833, to the 30th of June following, no fewer than 272 of them fell victims either to assassination or disease, brought on by hunger and improper treatment. From Santarem a deputation from this unhappy body subsequently went to Lisbon, and represented their forlorn and helpless condition to the Portuguese Government. Upon this they were removed from Santarem to Torres Novas. The deputation, the House should understand, travelled from Santarem to Lisbon without their liberty having been even once called in question. They were also permitted to go on board the fleet, and, had there been room for them, they might have remained on board. There was not, however; they therefore returned back to Santarem, to communicate to their companions the answer which they had received from the Portuguese Government, and they then were allowed to proceed to their new destination, Torres Novas; and, bad as had been their sufferings before, here their real misery commenced. It was not until the arrival of the Ambassador of Donna Christina that the fortunes of the emigrants changed—that their hopes were dashed to pieces; for it was then for the first time that they heard of the intention to deliver them up to the tender mercies of a Government so liberal and humane that its most cherished General was the butcher of women and the desolator of towns and villages. In their next march from Torres Novas to Peniche numbers of them fell a sacrifice to the marauding bands of peasantry by whom they were attacked; and although they travelled under a military escort not a soldier of their guard fired a single shot in their defence. When they arrived at Peniche they were followed by two carts full of their wounded companions, and even at Peniche they did not fare better, for one of them, a Colonel, was heartlessly massacred in the hovel where he had been placed. Some of them were lodged in a convent that was in ruins, and there they were left not only without proper shelter, but without a sufficient supply of food. From this place the greater part of them were sent on board the hulk Don Pedro, and the remainder, about eighty in number, were transferred to the Castle of St. Julian. It was an extraordinary statement, but nevertheless a true one, that out of 680 men there was a diminution in the short period of three years and a half of 391, produced by disease, brought on by cruel and inhuman treatment. The account on which he made this statement, was dated the 19th of November, but of course he had no means of knowing how many had perished since. He thought, however, that the simple fact of such a diminution having taken place within so limited a period, was in itself enough to startle that House, and to require her Majesty's Government promptly and at once to interfere in their behalf.—

He said, that, in consequence of the absence of the noble Lord, he would abridge his statement of facts, and he should do so; but he, at the same time, must entreat the House to bear in mind the melancholy situation of those unfortunate persons, and to permit him to refer to letters which had been received from some of the prisoners—men whose honour could not be doubted—in confirmation of the statement which he had made. The hon. Gentleman then read the following letters:—

"Tower of St. Julian's, Lisbon, Oct. 20, 1837.

"Sir,—I received your esteemed favour of the 1st inst., and in reply thereto I beg to inform you that we have made repeated applications to the Government to cause the Convention of Evora Monte to be fulfilled, the violation of which is enormous and glaring, but of none of these applications has any notice been taken until lately, when some of the deputies, and more particularly Don Juan Victorino, sensible that justice was on our side, have spoken strongly in our favour; and yet all this has ended in nothing, nor is there a hope that anything will be done for us.

"By this post we send various applications to London, and we do not write to our friends, not to put them to the expense of postage, as we consider them short of funds; but, however wretched they may be, they cannot be in so miserable a condition as the unfortunate beings of this dépôt, who out of the scanty pittance of one hundred patacos (18*s.* 9*d.*), allowed to each monthly for his support, are, at the end of the current month, in nine months' arrears; and even from this allowance they lately wished to deduct four per cent.; in such manner that we dread this pittance being altogether withdrawn.

"By the enclosed you will see what has been agitated in the Cortes here; but, after all, this is mere speechifying, and amounts to nothing; for so long as the infamous Perez de Castro, the Christino Ambassador, remains here, this weak Government will come to no determination; therefore, if, through your zeal and exertions, you do not succeed in liberating us poor captives, I firmly believe that our bones will be left to moulder in this prison."

The House would understand that the writers felt they were detained as prisoners contrary to the stipulations of a treaty, and, therefore, some allowance was to be made for the terms in which they expressed their sentiments with respect to those who had spoken against them in the debates of the Cortes. He trusted that it would not be necessary to have any more speechification on this subject, but that the facts which he had brought under the notice of that House would induce her Majesty's Government to adorn the commencement of her reign by an act which would not only reflect honour on the high and dignified station which she filled, but which would be in accordance with her own gentle and generous spirit, namely, the liberation of those unfortunate persons.

"Our misfortunes, in fact (the letter continued) daily become more intolerable. We are kept confined under ground, and at seven in the morning our windows are opened. We are then mustered, and the adjutant calls over our names. After this we are again shut up, and at twelve they open our place of confinement, in order that our miserable food may be brought in, and at one as many as twenty-five are allowed to ascend the ravelin above our prisons till four in the afternoon. We are then again mustered and the names called over, when we are shut up till the next day, unless the adjutant out of commiseration, allows our windows to be left open till sunset; but this seldom happens, so that while the sun is yet up we are excluded from daylight. In short, believe me, if any of us survive this wretchedness, they will remain blind and their health totally destroyed, &c.

(Signed) "Marquis De la Zerrezuela,
"Viscount De la Motilla.
"To D. Ramon Salvador."

The next letter which he would read was from Miguel de Quintana, and, although he wished to read the whole of it, he would—out of consideration for the time of the House, and the important subject which was likely to come under their notice that night—content himself by giving extracts only. The hon. Gentleman then read as follows;—

"Tower of St. Julian's, Lisbon, Oct. 26, 1837.

"Sir,—I confirm the contents of mine of the 20th, inclosing the report of the diplomatic committee of the Portuguese Cortes, recommending our being delivered up to Spain at a fixed period, on condition of our being amnestied by the Spanish Government, or, at the expiration of that period, that passports should be delivered to us for foreign countries. You may easily imagine how much we have been alarmed at the first part of this proposal, fearing, as we do, that it is founded upon some intrigue of Perez de Castro, the Christino envoy here. Three years and a half have expired of our painful slavery in this kingdom, and scarcely has a day passed without us having solicited this Government to grant us passports, in compliance with the convention of Evora Monte. We have published three manifestoes—we have represented our case to the British Government, and several Lords in particular, but nothing have we obtained.

"Sometimes we have seen this Government

inclined to give us our freedom, or at least to alleviate our unhappy fate, but invariably has the infamous Perez de Castro stepped forward with remonstrances from Madrid, and we have not only been left as we were, but even worse. This happened to us so long as the Cartistas remained in power, whose leaders Palmella and Villareal, were our bitterest enemies. The Constitutionalists came in with the aid of the revolution of September, 1836, and they began by treating us better. Sa da Bandeira, the Minister of Marine, officially wrote to Madrid to have us exchanged. Many letters passed upon the subject, but the result was always obstructed by the infamous Perez de Castro. Finally, in last July, they had come to an understanding, and a transport ship and two schooners were ready to convey us to St. Sebastian, when Saldanha's insurrection prevented the affair from being realised, and it has remained paralysed up to the present moment.

"To D. Ramon Salvador."

The letter which he would now read was from Madame Luno, who had been Maid of Honour to the wife of Don Carlos, and whose husband was one of the parties imprisoned at St. Julian. It was in these words:—

"Lisbon, Oct. 26, 1837.

"Having learnt at the Spanish dépôt that you have been commissioned to obtain the liberation of the poor sufferers so long dragging a miserable existence there, indeed, ever since the signing of the Evora Monte Convention, I do not hesitate to address you. My unfortunate husband is one of the sufferers, and, owing to the wretchedness which he has endured, he is now ill of a brain fever; and, although somewhat better, I have no hopes of his recovery so long as he remains in his present miserable condition. Under securities I have been able to get him out of the dépôt; and we are now in the house of a Portuguese lady, without whose benevolent aid we should have perished through want. Such is our miserable condition, after having lost everything.

"As I have remained in Lisbon, I have not ceased calling upon Ministers, Deputies, and Ambassadors, using every possible exertion to have their sufferings alleviated, by endeavouring to have the Convention observed, and passports delivered to them; but, unfortunately, all my efforts have been vain, and, at the solicitation of the Spanish Ambassador, Don Evaristo Perez de Castro, instead of alleviation, their condition is rendered worse, as they themselves inform you, &c.

(Signed) "MARIA DEL ROSARIO VALERA.

"To Don Ramon Salvador, London."

He thought that this was a case in which the strong arm of power ought to be used, and he did hope the British Government would advise the instant liberation of men who had committed no crime—who had not been guilty of violating any law. If they could be accused of high treason against any Government—if they had committed any crime, either as soldiers or civilians—why, let them be brought to a fair trial; and, if the charge were established against them then let their punishment be not only severe but speedy. But if on the other hand, their safety had been guaranteed by the British and Portuguese Governments—if they had suffered three years and a half's confinement for no positive crime, and contrary to a treaty which formed part of the title of the Queen of Portugal to the throne of that country—if they had endured all the miseries which he had described, then he said it was the duty of this country, unless her Majesty's Government wished to appear as weak as their Peninsular allies had proved themselves wicked, to take immediate steps for the liberation of those men. He knew it had been said that Don Carlos was in want of soldiers, and that these parties would be an acquisition to his cause. This was not the case. These prisoners were willing either to be exchanged or to go to any other country than Spain. They were ready to sacrifice their own rights, although they did not consider themselves as prisoners of war, but they were not willing to be delivered up to the tender mercies of a Government from whom their companions had suffered so deeply. He held in his hand an official return from the officer in command at Fort St. Julian as to the number of the prisoners confined there and on board the hulk. In the former the number was ninety-two and in the latter 230, besides nine ladies. The whole of the prisoners were kept in unjustifiable and cruel confinement, and it was stated that they were not allowed even a sufficiency of provisions. There was not, he believed, a case parallel to this to be found in the history of any country of which there was a record. The hon. Member then read the following letters from Commandant Roderiguez to Don Ramon Salvador:—

"Fortress of St. Julian, Lisbon, Nov. 5.

"I have seen your letter, addressed to the Marquis de Zerezuela, &c. However much I might wish to say, my pen would be too feeble to describe the sufferings which this dépôt has experienced. Charged with its interior Government ever since the month of May 1835, in consequence of the Commandant, with other Officers, having been deported to the Azores Islands, I have not ceased to demand of the British Parliament, the British Sovereign, and his Ministers, the fulfilment of the Treaty of Evora. No other answer did I receive but silence, oppression and tyranny. I lost no opportunity of enabling the cries of these unhappy people to reach the hearing of his Majesty (Don Carlos), in order that he might, if he could amidst his vast cares, remedy their wretched fate. I know not whether I had the honour of any of my application had reaching his Royal hand.

"In the meanwhile that this plan is realizing, and in consequence of the flight above-mentioned, the officers, and even the women, are kept in continual confinement—myself ever since the said day of the 19th September, separate in solitary [*incomunicado,*] in one of the prisons of the tower. When will so much suffering have an end? Wherefore I repeat to you what I said in my previous letter. Unless with a strong hand at all hazards, and without delay, measures be taken for our liberation, assuredly the fatal delivery of us up to our enemies will be effected. But I confide in your zeal, energy, and solicitude to see so barbarous a measure obviated, &c.

"I suppose that you are aware that the privates belonging to the dépôt are still kept in an old hulk, confounded with criminals, and abandoned, it may be said, to their fate: but ever constant, and with serene mind, anxiously looking forward to the day of their sighed-for liberation, which I hope is not far distant; and till it arrives, I remain, &c."

"Lisbon, Nov. 19.

"I cannot, while in the dépôt, lay protests before this Government. All I can do is to interest myself more and more with Deputies of the Cortes, in order that they may ward off the fatal day. Within the last few days one has been presented to the British Ambassador, and another is forwarded to him this day. Of these protests, our remonstrances, petitions, &c., a volume might be formed. The rough copies exist in my possession, and, together with the printed papers, they will ever afford authentic testimony that here nothing has been neglected for a single moment.

"It would, indeed, my friend, almost appear as if curses from all sides followed the dépôt. Within and without we are persecuted, for within elements are not wanting to embitter our days. Some persons will, sometime or other, experience the punishment deserved in the remorse of their own consciences, and this seems to be the only guarantee we now have. In the midst of all, our misfortunes continue, our oppression is prolonged, and our freedom delayed, for in the meanwhile that his Majesty Don Carlos is consulted, and his royal determination arrives, or before things are put in their proper train, months will elapse, and the Government of Christina will avail itself of this, and by main force, while that of Portugal, forgetting its dignity and obligations will make the delivery—the last calamity that can befal us. Do not believe that I say this to you from suspicion or surmise, I have data, and here they shall be published, in confirmation thereof, &c."

These letters were down to the 19th of last month, and they showed that, instead of being relaxed, the sufferings of those prisoners were rather increased, and that their numbers were almost daily diminishing, from the severity of the treatment they received. The object which he had in viewin mentioning the few facts which composed this monstrous and unheard of case was, that the whole of the papers, with the answer of the Portuguese Government, should be laid on the table of that House, in order that it might be seen whether the sufferings of these persons, inflicted under a treaty by which protection was guaranteed to them by the British Government, was not only a violation of the law of nations but a direct insult to this country. Upon this point he had much to say, but he would abstain from going into it, in consequence of the absence of the noble Lord, the Secretary of State for Foreign affairs. As soon, however, as the whole of the papers for which he meant to move were laid upon the table, he would reserve to himself, should it not be taken up by abler hands, the right of bringing the whole subject before that House; but he sincerely trusted that the noble Lord would, in the meantime, so interfere as to effect the liberation, or, if not, to cause an amelioration of the condition of the unfortunate persons on behalf of whom he appeared, not as a political advocate, but as the advocate of humanity. The hon. Gentleman, in conclusion, moved for a copy of the convention of Evora Monte; and also a copy of the letter enclosing the same addressed by Mr. Grant to the Infante Don Carlos; also, a copy of the letter addressed to the Secretary for Foreign Affairs by the Commandant of the dépôt of Spanish Emigrants detained in the hulks, and in the prison of Fort St. Julian, at Lisbon.

Lord *John Russell* said, that as there was no objection to the production of the papers for which the hon. Gentleman moved, it was not his intention to offer any opposition to the motion. With regard to the discussion of the subject, it was quite clear that the House could not properly judge of its merits without the papers for which the hon. Gentleman called, and when they were laid on the table it would, of course, be competent to the hon. Gentleman, or any other hon. Member opposite, to take any course he might think necessary. As to Don Carlos, all he would say was, that he was most fortunate in being allowed to leave Portugal, because had it not been for the British Government, had he remained in that country, he would, in all probability, have been taken and tried for high treason.

Mr. *Borthwick* said, that Don Carlos was fully sensible, so were the prisoners, of the conduct of the British Government at that time. He held in his hand the correspondence connected with the treaty of Evora Monte, and he must say, that much credit was due to the British Government for the course they pursued on that occasion, and he only hoped they would now act in the same spirit, and not allow themselves to be influenced by the machinations of others elsewhere. The obligation of the British Government was the more binding on them because this treaty originated in their own diplomacy. The Duke de Terceira and the Conde de Saldanha, in the official statements which they made to their Government, said:—

> "Lemos declared that he was not empowered to act for Don Carlos, when Mr. Grant, the Secretary of the British Legation, took upon himself to represent that Prince and his interests, and with him they stipulated for the articles contained in the treaty. These articles were as follow:—
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> "'Don Miguel having capitulated, Mr. Grant, Secretary of her Britannic Majesty's Legation at Lisbon, addressed the Infante Don Carlos, under date of the 26th of May, 1834, in these words:—'General Lemos not having treated respecting the interests and security of your Royal Highness and the Princesses of your family, I took the liberty of submitting to the Marshals, commanding the Portuguese armies, this subject, in which I feel a lively interest; and I now enclose to your Royal Highness the articles stipulated with them, a copy of which I this day send to my Ambassador. I hope they will meet your Royal Highness's approbation, whose assent thereto, I flatter myself, I shall to-morrow receive, signed, in order that I may, conjointly with the said Marshals, occupy myself in their execution."

Colonel *Evans* said, that was the second time he had been doomed to listen to the hon. Member opposite (Mr. Borthwick) on so grave a subject as the affairs of Spain. It was not his intention to say anything on this occasion calculated to excite discussion, but he could not at the same time help making one or two observations on what had fallen from the hon. Member. It was his intention, if the hon. Gentleman did not, to bring the whole subject under the notice of the House after the recess. There had been great alacrity on the part of the hon. Members opposite to go into the general subject during his absence from this country; and, in compliance with the expressed wish of many hon. Members on his side of the House, he was most anxious to bring it forward, not so much as regarded himself, but because he owed such a course to the officers and soldiers who had served under him, and against whom aspersions had been poured out both in that House and by the press, under the influence of the hon. Gentlemen opposite. The fitting opportunity had not yet arisen for entering upon such a statement, and, therefore, he now gave notice that it was his intention, immediately after the recess, to bring the whole subject under their consideration. The hon. Gentleman had complained of prisoners being confined in the hulks and ravelins of Fort St. Julian; but what, he should like to know, had that to do with the English Government? Such a charge might be made against the Government of Portugal; but then the House should recollect why they were confined—that they were confined as prisoners of war. The complaint was, therefore, a groundless one, and the only question was, whether a ravelin was not better as a prison than a hulk. It was, however, complained that the Portuguese Government had violated the convention of Evora Monte; but was it not clear that the fate of Don Carlos involved that of all those who followed him as a guard? Since that convention a war had broken out in Spain between Don Carlos and the Government of Spain; and was it not, therefore, right on the part of the Government of Portugal, to restrain those of Don Carlos's followers who were in arms, and to prevent them from being exchanged or liberated. They were, in fact, national prisoners, and consequently the disposal of them could not depend on the will of either the Portuguese or the British Governments. He would not at present go further into the details connected with the conduct of Don Carlos; but he must be allowed to say that any one would be led to suppose from the statements of the hon. Gentlemen opposite that they were in entire ignorance, or the facts were so mistified, that they could not understand them, for otherwise they would not commit themselves by coming forward so frequently as they had done as the advocates of Don Carlos. They must be altogether ignorant of the Durango decree, or the fifty British subjects who had been massacred under that decree, or they never would have taken such a course.

Sir *S. Canning* said, that, although he was most anxious to enter into the whole subject connected with the war in Spain, he could not understand what connexion that matter had with the subject now before the House. What the hon. Gentleman on his side of the House had done was to appeal to her Majesty's Government whether they were not bound by a particular treaty to use diplomatic interference with the Portuguese Government on behalf of those prisoners? He had not come down prepared to enter into a general discussion, but he was happy to know that the hon. and gallant Officer opposite intended to bring the subject conected with his own proceedings before the House at an early period after the recess. He could assure that hon. and gallant Officer that there was no wish on the part of his (the Conservative) side of the House to shrink from such a discussion—but he must be allowed to say that the hon. and gallant Officer had no just cause of complaint in consequence of any reference which had been made to him on any one occasion when the affairs of Spain were mentioned during his absence. The hon. and gallant Officer no doubt had duties to perform elsewhere; but if he had been in his place in that House he might have taken part in the discussions which occurred in vindication of himself. He, however, thought it hardly fair of the hon. and gallant Officer to complain that the matter had been unnecessarily pressed upon the attention of that House. The term for which the men serving in the Legion which the hon. and gallant Officer commanded had nearly expired, and, under such circumstances, was it at all wonderful that his hon. and gallant Friend (Sir H. Hardinge) had felt it his duty to bring the whole subject forward as he had done? In the whole of that discussion no imputation had been cast upon the hon. and gallant Officer opposite, nor had any statement been made which rendered it necessary for him now to be at the trouble of vindicating his character. The disposition evinced by every hon. Member who took part in that debate was, to do justice to the spirit and gallantry which the hon. and gallant Officer had displayed, and no one was more prompt in doing this than his hon. and gallant Friend by whom the matter was brought forward.

Colonel *Evans* said, he had nothing to complain of on the ground of courtesy with respect to the right hon. Gentleman, nor had anything been said by him which he could feel as unpalatable. He was glad, however, that the opportunity would be afforded to him to bring the general subject forward. With regard to what the hon. Member (Mr. Borthwick) had said about his being actuated by feelings of humanity, and not by political motives, all he could say was, that it was this observation which had caused him to rise. He said that, on the score of humanity, and without any reference whatever to policy, Don Carlos was the last description of prince who was entitled to either the sympathy or compassion of that House.

Mr. *Hume* thought, that both of the parties who had spoken were at variance about the fact. It had been stated that nothing to the prejudice of his hon. and gallant Friend had been said in the course of the debates referred to; but did the right hon. Baronet not recollect that on the very day information of a slight defeat experienced by his hon. and gallant Friend was received, an opportunity was sought to bring the whole subject forward, and that aspersions and charges were then made not only against him but the whole corps which he commanded. With a full recollection of all that took place when the matter was brought forward, he could only say that he was glad his hon. and gallant Friend would have an early opportunity of going in detail into the whole subject, as the conduct pursued towards him was anything but fair.

Mr. *Lucas* said, that though he had taken no part in the debate in question, he must vindicate the right of every hon. Member in that House to express an independent opinion on every subject connected with British interests, and though at the time when this debate occurred the gallant Officer was absent, seeking renown in a foreign service, he would recal to his recollection that other officers, who were also Members of that House, had a duty to perform to the British service which they were bound to fulfil. For his own part he would never shrink from the discharge of his duty, and he should feel himself perfectly at liberty to speak of the conduct of the gallant Officer in a public sense, or of any other individual, whenever he felt it his duty to do so. If the hon. and gallant Officer was absent from his duty in Parliament upon that occasion, he felt quite sure that all who took a part in that discussion would have felt better pleased that the hon. and gallant Officer had been present. What he wished to assert was the right of a Member of that House to express his opinion upon any subject under discussion.

Colonel *Evans* said, that the hon. Member had asserted the privileged right of a Member of that House to speak freely of the public conduct of any individual. As far as the general conduct of any individual, he did not mean to deny that right. But did the hon. Member mean to say that there was any instance of a similar course to that which had been pursued towards him and the troops under his command? If the hon. Member could point out any instance where a similar course had been pursued towards a British officer or the troops under his command as had been pursued in his case he would then consent to the applicability of the vague generality which the hon. Member had put forward.

Mr. *Williams Wynn* said, that if an officer went into the service of a foreign Power, and that any discussion arose as to the propriety of his continuing to serve in that foreign service, or as to the continuance of the troops under his command, he considered that the Members of that House would have the fullest liberty to make any observations that their sense of public duty prompted. He considered that the right of a Member to discuss the public conduct of any individual in a public point of view in relation to any questions before the House could not be denied.

Mr. *Lambton* said, that on the occasion of the discussion respecting Spanish affairs he thought that the hon. and gallant Officer had been very severely dealt with.

Mr. *Goulburn* would claim for himself and for every other hon. Member the right of questioning the public policy, and, in his mind, the very doubtful public policy, which had been pursued in respect to Spain; and he would claim the exercise of that right however closely it might be connected with the conduct of the hon. and gallant Officer. He had never spoken harshly of the conduct of that hon. and gallant Officer, nor did he suppose he ever should. But when a question came before the House as to the policy of continuing British subjects in the service of a foreign State, when persons who objected to that policy, and who might entertain strong objections to the course that had been altogether pursued, it was impossible, notwithstanding any delicacy that might be used, not to say something which might be disagreeable to the feelings of an individual engaged on such service. He could state that when his right hon. and gallant Friend (Sir H. Hardinge) had brought forward his motion he had abstained from using many documents that bore upon the conduct of the hon. and gallant Officer, and he did so from a feeling that he was not present to defend himself. With respect to the question itself, it was the duty of his right hon. Friend at the time to have brought the motion forward. It was a motion to inquire whether or not the House would agree to an address to the Crown to discontinue the service of British subjects under a foreign Crown. The right hon. Gentleman, in conclusion, stated that he would claim the right to express his opinion in the fullest and freest manner upon any subject of public policy, and that he should do so at any risk of provoking any commentary that such a course might call forth.

The *Chancellor of the Exchequer* said, that no person ever raised a question so entirely preposterous as to deny the right of any hon. Member to state his opinion freely upon any subject before the House. So far from that, it was not only their right but their duty fully and freely to discuss any matter in which the public interests were involved. No question had been at all raised on that point. All admitted the right—the question was as to the proper exercise of that right. No one doubted that it was perfectly open to any hon. Member to dispute the policy of the order in Council as to the continuance of the British Legion in the service of the Queen of Spain. He was also ready to admit the right to speak of the conduct of the Legion, and of any officer either in his public or individual capacity. He was not now further going to discuss that question; when the proper occasion came he should be quite ready to do so. That would be the proper time to discuss the question, and not upon a question on which they were all agreed. There was no difference of opinion as to the right and duty of Parliament to discuss with freedom all questions that came under its consideration.

Colonel *Evans* said, that any irritability that had been evinced might arise from the fact that he had used one or two words which might have been misinterpreted. He had spoken of calumny and asperity; but he used those expressions in reference to the conduct of the public press, which had received countenance in that House, and he would take for granted that nothing had occurred which was in any way unparliamentary.

Sir *C. B. Vere* was present at the debate in question, and he could assure the hon. and gallant Officer opposite that his situation and personal gallantry were fully considered, and he did not think, on that occasion, that there had been any tendency to throw anything discreditable upon the character of the hon. and gallant Officer.

Mr. *Horsman* thought that, on the occasion referred to, expressions had been made use of calculated to produce soreness. If he recollected rightly, something like the term "hireling" had been made use of. With regard to the right of discussion which had been asserted, it was a right which no one denied; the only objection that could be was to the manner of the exercise of the right. During the absence of the hon. and gallant Officer great alacrity had been shown to bring forward questions affecting his conduct; but now that the gallant Officer was present the same alacrity did not exist, and he was forced to give notice of his intention to bring forward the subject himself.

Viscount *Sandon* said, that there were no grounds for the charges which the hon. Member had made. The same urgency did not exist now as had existed last year, and the hon. Member could therefore draw no analogy from the circumstances of last year. If notice had not then been given and the motion brought forward, the opportunity would have been lost, as the order in Council was just upon the point of expiring. But he must deny that they were to be precluded from discussing a question because an hon. Member did not happen to be present, and they were forced to bring forward the question of Spanish politics last year at a time when the hon. and gallant Officer was not in his place in Parliament. As he was on his legs he must beg to allude to an observation that had fallen from the hon. and gallant Officer. He seemed inclined to characterise as the supporters of Don Carlos all those at his side of the House who felt disposed to question the policy of the present Government respecting Spain, but before the gallant Officer did that he would ask him was he prepared to take upon his own shoulders every cruelty that had been committed at the other side? When the hon. and gallant Officer was prepared to do that he might then talk of the supporters of Don Carlos.

Sir *H. Vivian* was present when the right hon. and gallant Officer (Sir H. Hardinge) brought forward his motion respecting Spain, and he was ready to say that both that gallant Officer and the seconder of the motion had treated the question in that manner which his hon. and gallant Friend had a right to expect. He regretted that many severe expressions had been made use of concerning the troops under the command of his hon. and gallant Friend. Those troops had been subjected to misfortune; but they had conducted themselves on all occasions with a gallantry that was creditable to them as British soldiers. With respect to the cruelties that had taken place, it would be hard to hold his hon. and gallant Friend accountable for them. He hoped whenever they came to the discussion of this subject they would enter upon it without asperity towards his hon. and gallant Friend, or the troops engaged under his orders.

Mr. *Borthwick* was anxious to have abstained from anything connected with the hon. and gallant Officer, without giving him an opportunity of replying. With respect to what the hon. and gallant Officer had stated, he having had occasion to take part in the debate on Spain, as far as he recollected, no person called in question the bravery of the hon. and gallant Officer. He had merely called in question the policy that continued the hon. and gallant Officer in Spain, and when the proper occasion came he should be prepared to do so again. He trusted to be present when the hon. and gallant Officer would bring forward his motion, for it had now assumed a proper form. He did not now mean to discuss what had been said about Don Carlos. He had been stigmatised as a blood-thirsty tyrant, but that at least was a reason why they should not allow one whom they so stigmatised to outstrip them in the race of humanity. As the noble Lord had made his appearance he would state that, had he been earlier present, he would have had the honour of enlarging more at length upon the subject which he had brought forward. Now that the noble Lord was in his place he would state that all the facts of the case had for some time been in the possession of the noble Lord, as they had been laid before him in a letter from his hon. Friend, the late Member for Sandwich. To this statement the noble Lord had not given an answer. Having now done his duty, he would leave the case in the hands of the noble Lord, believing that, when the facts of the case were established, he would do his duty in the cause of humanity and liberty.

Viscount *Palmerston* regretted he had been detained by business elsewhere. He would have been in the House earlier; but the notice of the hon. Member for Evesham was the 13th on the paper, and he did not anticipate it would have come on so soon. He regretted that his absence should have in any way shortened the speech of the hon. Member.

Motion agreed to.

Poor Laws.—Sunderland Union.] Mr. *Andrew White* rose, in pursuance of his notice, to call the attention of the House to certain proceedings of the board of guardians of the Sunderland union. In a recent debate in that House on the manner in which the new poor-law had been administered in the Sunderland district, the hon. Member for North Durham stated, that in Sunderland 200 unhappy children had been left destitute, in consequence of parochial relief having been withdrawn from them. When the report of these observations reached Sunderland it excited the utmost indignation, and the board of guardians of the Sunderland union immediately met, and agreed to the following resolutions:—

"At a special meeting of the board of guardians of the Sunderland union, holden at the commission-room in the Exchange, in Sunderland, on Friday, the 1st day of December 1837, the attention of the board having been drawn to a speech reported (in *The Morning Chronicle* and other London newspapers) to have been delivered in the House of Commons by the honourable Henry Thomas Liddell, on Monday last, on the subject of the new poor-law, wherein he is represented to have made statements to the effect that 'in Sunderland relief had been withdrawn from 200 unhappy children, who were thus left destitute; and that dark rumours were afterwards abroad about children being found dead; and that although no cases of child murder had been brought home to any parties, it had been more than suspected that many of them had been deserted by their mothers to starvation'—

"It was unanimously resolved, That the board do give the most unqualified contradiction to the above statement, which they have seen with feelings of surprise and indignation; and that Mr. Liddell should immediately be requested to give up the name of his informant, in order that this atrocious and unfounded imputation may be properly investigated.

"It was also resolved, That the clerks do immediately communicate the above resolution to Lord J. Russell (her Majesty's Secretary of State for the Home Department), to the Poor-law Commissioners, to Sir John Walsham, bart., the assistant commissioner for this district, to the Members for this borough, to Mr. Hedworth Lambton, to Mr. Hume, and to Mr. Liddell; and that the same be advertised in *The Sunderland Herald*, *The Newcastle Courant*, *The Durham Chronicle*, and in *The Morning Chronicle* and *Times* London newspapers.

"It was also resolved, That the vice-chairman do sign the above resolutions on behalf of the board.

(Signed) "Thomas Reed, jun.,
Vice-Chairman, Sunderland Union."

For himself he could distinctly deny that since 1834, when the vestry of Sunderland came to a resolution not to afford relief to bastard children, a single child had been left in a state of destitution. He stated this on his own experience in the first instance, he himself being chairman of the board of guardians of the Sunderland union; and he also stated it on the authority of a letter which he had received on the subject from the vice-chairman of the union. With respect to that part of the speech of the hon. Member for North Durham respecting dark rumours of children being found dead, he could also give it an unqualified contradiction. In Sunderland, containing a population of 60,000 persons, there had been only one inquest on a case of infanticide during three years. In consequence of what had fallen from the hon. Member for North Durham, he should feel himself called upon to move that there be laid before the House a copy of the correspondence between the board of guardians of the Sunderland union and the Poor-law Commissioners in London.

Mr. Lambton seconded the motion.

Mr. *Liddell* said, that, called upon as he had been by what had just fallen from the hon. Member, he must beg leave for a short time to request from the House that indulgence which he had never known them refuse to any one under such circumstances. He thanked the hon. Member for having brought forward this subject, and he had no fault to find with the manner in which the hon. Member had done it. Nor had he any difficulty in saying, that if the observations which he had really made had been such as had been attributed to him, the hon. Member would have had a perfect right to call upon him to make an explanation on the subject. The hon. Member had read to the House some resolutions which had recently been agreed to by the board of Guardians at Sunderland. Although he was far from complaining of any general inaccuracy on the part of the newspaper press, and waved all reference to privilege in this particular instance, yet he must observe that persons ought to be condemned on what they had actually said, and not on that which they were only reported to have said. The resolutions of the board of guardians at Sunderland alluded to his speech as reported in *The Morning Chronicle* and other London newspapers. As *The Morning Chronicle*, however, was specifically mentioned, he (Mr. Liddell) had thought it right to turn to its pages to see what sort of a report had been given of his speech in that paper. He was perfectly confident, that if his speech had been correctly and fairly given the misunderstanding which prevailed would not have occurred. The observations which he had made in that speech were not directed against any individuals whatever, least of all were they directed against the board of guardians of the Sunderland union. As to the circumstance to which he had alluded, it had occurred in 1834, which was before any commissioner came down to Sunderland, before any union was incorporated, and, therefore, before a board of guardians was in existence. This fact completely exonerated him from having thrown any imputation upon this ground on the board of guardians of the Sunderland union. But he would say that that board had shown a very impatient anxiety to set themselves right with the public; and to do so had passed the strong and exciting resolutions which had been read by the hon. Member for Sunderland, which resolutions they had advertised in the provincial and London papers, and had transmitted copies of them to the noble Lord, the Secretary of State for the Home Department, the Poor-law Commissioners, and others. And all this they had done on the faith of a report of his speech, which, he was bound to say, was as incorrect as any report that had ever been given of any speech uttered in that House. However painful it was to him to trespass upon the time of the House, he felt himself called upon, in the presence of those who had heard the speech in question, and who, therefore, would have the power of criticising the observations he should make, to remind the House of what he actually did say. In speaking of the Poor-law Amendment Act, and on its introduction into the northern counties, and in stating his opinions as to its applicability to that country, he had divided his observations under two heads—the principle and the practice; and while he objected to the principle of the law, he distinctly declared (and he was sure the noble Lord would do him the justice to confirm him in this statement) that no complaint had reached him with regard to the practice of it; but, on the contrary, that he was satisfied that under the direction of that able Commissioner, Sir John Walsham, the law had been administered in practice, in the most humane, discreet, and efficient manner. Now, if that statement of his had been fully and fairly reported, the board of guardians of the Sunderland union would not have taken the offence which they had taken. He had certainly read a letter, which showed from the returns on the subject that the workhouse system in some places had not been carried into practice with the discretion and humanity which might have accompanied it; and he had also said, as he could prove, that the workhouse principle was not necessary in the counties of the north of England, that he trusted Government would not carry that principle into a county in which it had occasioned much disgust. He had then gone on to speak of the bastardy clauses; and had said that in principle they were equally objectionable, and that he trusted he should live to see the day when those clauses would, if not repealed, be greatly modified. He had then said that great dissatisfaction had been felt in the north with respect to those clauses; and that in the borough of Sunderland alone two hundred infant children had been deprived of parochial relief; but he had said nothing of their being left in a state of destitution. Now it was not denied (and he held in his hand a certified copy of the vestry minutes to that effect) that on the 11th of December, 1834, the vestry of the parish of Sunderland had agreed to fourteen resolutions, one of which was, "that no relief should be granted to any bastard child after that week, and that that rule should be universal in its application." This rule being universal, applied to widows with one child, and in all other cases he (Mr. Liddell) certainly did not believe that the statement of nearly 200 children having been deprived of relief was at all an exaggerated one. At all events he could only give the statement as he had received it; and when he recollected that the population to which the resolution of the vestry applied amounted to between 50,000 and 60,000 persons, he must repeat that he did not think the estimate extravagant. He sincerely believed that when the returns in the report of the Committee of which he had the honour to be a Member, came to be laid before the House, it would not appear that there was any great discrepancy between the fact and his statement. He now came to what he had said on the occasion in question respecting dark rumours. Let it be remembered that he had alluded to them merely as rumours, not as facts. He certainly had heard such rumours; and certainly, if the severe enactment to which he had alluded had been followed by any acts of harshness on the part of the Sunderland magistrates, it was no wonder that such dark rumours should be spread. Having made these explanations (and he felt great pleasure in having an opportunity of making them) he was willing to undergo any infliction for having stated what he considered to be facts; and, to show whether they were so or not, he was quite ready to move that the necessary papers be submitted to the Committee to which he had already alluded. He would now conclude by expressing his thanks to the House for the attention with which he had been listened to, and his hope that he should not again suffer from being misreported.

Mr. *Lambton* declared he must say that he thought the hon. Member for North Durham had been highly culpable in making the assertions which he had made a few days ago before he had inquired into the case. Before the hon. Gentleman had stated that 200 children had been deprived of relief, he ought to have applied to every quarter from which he might have expected to obtain accurate information. A statement so calculated to excite the feelings of every man who heard it ought not to have been made but upon the best authority. But the hon. Member had made it on the authority of a letter, and when asked the name of the writer of that letter, the hon. Member had not dared to give it.

The *Speaker* observed that the hon. Member ought not to use the word "dare."

Mr. *Lambton:* had the hon. Member for North Durham made the necessary inquiries? He ought, before he made such a statement as that in the House, to have written to the vice-chairman of the board of guardians of the Sunderland union on the subject. He would then have received the unanswerable statement that, notwithstanding the vestry minutes of 1834, no parochial relief had been refused in Sunderland in the cases alluded to. He would ask the House was it probable were the circumstances described by his hon. colleague true, that he should not have heard of it? He resided near Sunderland; he was in constant communication with all classes, high and low, rich and poor, in that town; and he had not heard a word about two hundred children having been left without parochial assistance. It was a remarkable fact with reference to the New Poor-law, that in the Sunderland district at the late general election, the candidates who declared themselves in favour of that law were in a decided majority. With regard to his statements respecting dark rumours the hon. Member had entirely backed out of them. Really some hon. Gentlemen appeared to be particularly sensitive. What had induced the hon. Gentleman to make this explanation seemed to be the resolutions which had been agreed to by the board of guardians. But he had refused to give up the authority on which he had made his original statement, and had refused to state in what provincial papers the statement had appeared. The hon. Member would do neither the one nor the other. He must therefore again say that the hon. Member was most decidedly culpable. He was glad the subject had been brought under discussion, for the inhabitants of Sunderland would now have the satisfaction of knowing that the House did not believe the statements of the hon. Member, and that those statements had only brought upon the hon. Member censure and ridicule.

Mr. *Ingham*, although he could not assent to what had fallen from the hon. Member who had just spoken, felt obliged to the hon. Member for Sunderland for giving the hon. Member for North Durham the opportunity of making an explanation. He begged to state that there was a union at South Shields, the population of which place was nearly equal to that of Sunderland, and that making all due allowance for the imperfections which must naturally accompany the commencement of a new system, that system had given great satisfaction, not only to the rate-payers, but to those who were the subjects of relief under it. It was with the board of guardians at South Shields a secondary consideration whether the rates were increased or diminished: their first consideration was to provide comforts for the destitute, and to maintain the independence of the labourer. It now appeared that the unfortunate declaration respecting the Sunderland union related to a circumstance which took place before the present system came into operation, and it afforded a fair specimen of what could be done under the old law.

Mr. Alderman *Thompson* wished to say a few words, being one of the Representatives for Sunderland. He was not in the House when the hon. Member for North Durham made the statement which had occasioned so much discussion. If he had been, knowing the state of things in the borough of Sunderland, he should have immediately believed that the hon. Member had been imposed upon. For although the Poor-law Bill had not been particularly well received in Sunderland, and although its principles were not particularly well liked in that place, it had been carried into practice with a kindness and forbearance towards the poor which he was convinced had not been exceeded in any part of the kingdom. He had never heard the slighest imputation on the conduct of the board of guardians of the Sunderland union. He could also state from his own observation that the resolution of the vestry in 1834 had never been carried into effect; and that he knew no place in which there were more kindness and consideration manifested towards the poor, or a greater disposition evinced to afford relief to the sick and the suffering. He was sure that the explanation of the hon. Member for North Durham would mitigate the pain and anxiety which had been created in Sunderland; and he had thought it right to state what he had stated in confirmation of what had fallen from his hon. colleague.

Mr. *Wilberforce* would not have risen but for the general eulogium which some hon. Members had passed upon the new Poor-law. As he represented a constituency in a part of the kingdom in which it was not so great a favourite, he felt it his duty to say so, nor did he think that he should act fairly by the House if he were not to do so. Those who had spoken in favour of the Bill as operating in some places, must allow him to enter his protest against its operation elsewhere. It had been said, that he had ridden into Parliament on the popularity which he had acquired by opposing the Poor-law Bill. He should be ashamed of himself if he had been influenced in his opposition to the Bill by any such motive. But he must fairly say that he did object to the principle of the Bill, if he understood it; and he was persuaded that the measure would be tolerated only in places in which the leniency of its execution would defeat its own principle. In the borough which he represented a large majority of the guardians of the poor had accepted the office for the express purpose of counteracting the provisions of the Act.

Lord *John Russell* said, that, whatever might be the merits of the Poor-law Act, it was very unfortunate, with respect to a measure on which so much difference of opinion existed, that a misstatement should go forth calculated to excite, not merely disapprobation, but horror. He gave every credit to the hon. Member for North Durham for his intentions; but it was hardly fair, on that hon. Gentleman's part, to state rumours on no authority, or on authority which he was not disposed to give. He (Lord John Russell) hoped that what had taken place would make hon. Members cautious when placed in similar circumstances.

Mr. *Hume* observed, that the hon. Gentleman (Mr. Liddell) had rather varied his statement as compared with that which he made the other evening. He begged to remind the hon. Gentleman of his former statement. It appeared that the Gentlemen who in that House, as well as elsewhere, took upon themselves to denounce the Poor-law Bill, and to attribute circumstances to its operation which would reflect disgrace not only upon the framers of that Bill, but upon society generally, were unwilling, now that the opportunity was afforded to them of testing a fact, to enter into any inquiry or to hear any explanation upon the subject. He should not then have risen if he had not received a letter from the chairman of the board to which allusion had been made, assuring him that no such facts had taken place as those alleged by the hon. Member (Mr. Liddell). As to the misrepresentation of which the hon. Member complained, he (Mr. Hume) would briefly state what occurred. On the morning after the discussion took place, the hon. Gentleman called upon him (Mr. Hume) with a newspaper in his hand, and asked him whether he (Mr. Hume) thought that that which was reported of them both was correct. He (Mr. Hume), having looked at the report, stated that which he should then repeat, that as far as he could recollect the report appeared to him to be correct. The words were these:—"In Sunderland alone, immediately after the Act coming into operation, parochial relief was suddenly withdrawn from no less than 200 unhappy children, and dark rumours went abroad of the mysterious disappearance of many of these innocents." These were the words reported; and, as far as he could recollect, they were the words used. At all events they were words so strong as to give rise to an immediate expression of feeling from all parts of the House. He immediately rose and called upon the hon. Gentleman before he left the House to give the Government such information on the subject as might enable them to take the necessary steps to ascertain the accuracy of the rumours in question, and to prevent such occurrences for the future, if true. But when he (Mr. Hume) sat down the hon. Gentleman repeated his statement, and observed that "with regard to the fact of two hundred children having been deprived of parochial relief in Sunderland, he happened fortunately to be fortified in his statement by the written statement of a Gentleman, who, he believed, was better aware of the state of affairs in Sunderland than any one else." If that were so, then he (Mr. Hume) called upon the hon. Member, in justice to those who had supported the measure, and in justice to the guardians of the union whose conduct he arraigned, to name the gentleman from whom he derived his information. That was a duty from which no hon. Member of the House could shrink. He confessed he was surprised to hear any hon. Member call the explanation which had been offered by the hon. Gentleman (Mr. Liddell) that evening a candid explanation. He called upon the hon. Gentleman to give up the authority upon whose written statement he founded his charge. Unless the hon. Gentleman did so every man in the House must draw his own conclusions as to the accuracy of the statement. If the hon. Gentleman were in possession of a written document upon the subject, he was bound to produce it. In spite of the cries of "Name!" which prevailed in every part of the House when the hon. Gentleman intimated that he had an authority for what he was stating, he went on to observe "that rumours had been afloat as to the finding of infant children deserted by their mothers, and found dead, or in a state of starvation. These rumours, he begged to repeat, certainly did prevail, and they were mentioned in the papers at the time, though he was not aware that any cases had been brought to proof." The hon. Gentleman had certainly most completely failed to adduce any proof in support of the disgraceful rumours to which he alluded; and he must observe that he had never heard any one of these charges against the Poor-law Bill which, when traced to its source, did not turn out to be a pure and unmixed fabrication. The hon. Gentleman stood now in the position of the author of an alleged calumny; and as a Member of the Committee up stairs he must beg of him, if there were any real foundation for the charge, to lose no time in declaring it. The hon. Gentleman's own character and own honour required that he should do so. At present the hon. Gentleman's explanation was anything but satisfactory. The cause of truth and of justice required that the hon. Gentleman should either declare that he had been misinformed, or bring forward such facts as should satisfy the House that his statement was well founded.

Mr. *Liddell* declared, that the hon. Member for Kilkenny had begun, continued, and ended his speech in misrepresentation. When the hon. Gentleman said that he (Mr. Liddell) had called upon the Government not to extend the act to that part of the country with which he was connected, the hon. Gentleman said that which had no foundation. He only asked the Government not to press the application of that most obnoxious part of the bill which established the workhouse system. As to the authority upon which he (Mr. Liddell) had made his statement, he had only again to repeat that he would not give it up. Rather than give up his authority he would share in any responsibility to which the statement might give rise. As the best proof he could offer of the accuracy of his statement, he should feel it to be his duty to move that there be laid before the Committee the vestry books containing an account of the number of children receiving parochial relief in the borough of Sunderland in the month of February, 1834; and the number to whom relief was extended three months afterwards.

Mr. *George F. Young* rose to mention a case which came within his own knowledge. A poor woman of decent and highly respectable character, under circumstances that excited universal commiseration and sympathy in the whole board of guardians, applied for some small allowance towards the support of her bastard child. Every one of the guardians felt that the poor woman was a proper object of relief; but, under the rules and regulations laid down by the commissioners, they felt that they were compelled to refuse any assistance except upon the condition of her entering the workhouse with her child. The poor woman, in his presence, indignantly refused to comply with the terms offered to her, and exclaimed that she would rather starve first. This feeling, he believed, was very general, and it therefore appeared to him to be high time that some distinct understanding should be come to as to whether the board of guardians were to be permitted to exercise the sound discretion which, he was glad to find, they had done at Sunderland, or whether they were to be compelled to administer the law in the harsh and cruel manner which, he was sorry to say, he, with others, were obliged to do in the instance to which he had referred.

Motion agreed to.

Appointment of Committees.] Mr. *Goulburn,* in rising to move that certain names be added to the Education Committee, regretted that he was obliged to trouble the House with any observations. The real object that he had in view was to secure from the appointment of the Committee a fair representation of the feelings and opinions which prevailed upon the subject on the different sides of the House. Thinking that there had been an attempt made by the Gentlemen on the opposite side of the House to overwhelm the opinions which were supposed to be entertained on the side of the House to which he was attached, he felt it to be his duty to bring this particular case under the consideration of the House; and he did so, not merely in reference to the importance of having the different parties in that House fairly represented in Committees, but in reference to the importance of the object of the Committee itself; for it must be obvious that if an impression were to get abroad that the Committee appointed to discuss so important a matter were not fairly and impartially constituted, whatever the determination of that Committee might ultimately be it would carry no weight with the country, and moreover would excite against the Committee a great deal of hostility. The Education Committee, as it at present stood, was composed of ten Members of the Ministerial side of the House and five only of that side of the House. The direct object that he had in view was to add those Gentlemen to the Committee who he was sure would be regarded as wholly unexceptionable in point of character and acquirement, and who, moreover, had a peculiar claim to be placed upon a Committee of this description. He had taken the trouble to refer to the several Committees appointed by the other side of the House: they were ten in number, and he found that the gross number of Members of which those ten Committees were composed were divided in the following proportions — one hundred and eleven Gentlemen representing the opinions of those who sat on the Ministerial side of the House, and only forty-eight the opinions of those who sat on the Opposition side. It would, he thought, be admitted on every hand that such a disproportion could not be regarded a a fair representation of the feelings and opinions of a House of Commons where parties were so nearly balanced. Two Committees only had been appointed by the side of the House upon which he (Mr. Goulburn) sat; but in each of those Committees a fairer and more equal proportion was observed. Taking the gross number of the two, he found that there were fourteen Members chosen from the ministerial side of the House, and fifteen from the Opposition, making a very manifest distinction between the manner in which Committees were appointed on the two different sides of the House. When Mr. Roebuck moved for a Committee upon the education of the lower orders, he took a more equal course than had been pursued in the present instance. All that he (Mr. Goulburn) requested the House to do was to adopt the same proportion as that observed by Mr. Roebuck. With this view he begged to move "To enlarge the number of the Committee appointed to consider of the education of the poorer classes in great towns in England and Wales, by the addition of the names of Mr. Pusey, Mr. Gladstone, and Mr. Acland."

Mr. *Poulett Thomson*, in replying to the motion, thought it would not be necessary for him to enter into any discussion of the general question of the appointment of Select Committees, because it must be notorious to every body that the Committee to which the right hon. Gentleman's motion related could not have been appointed with any reference to the opinions of either side of the House, or to the manner in which parties were separated. The object that his hon. Friend had in the appointment of the Committee was to select, as far as possible, Gentlemen who were not in any way connected with party or influenced by party views—gentlemen who were the most likely to give the best attention to the subject. He thought that the proposal of the right hon. Gentleman was objectionable on two grounds. In the first place, it appeared to him that as the House had laid down a rule that the Members of Committees should be limited to fifteen, it would be very undesirable, except on some very extraordinary grounds, to deviate from that rule. There was also this further objection: he had already stated that this Committee had nothing to do with the party politics and party views of the two sides into which the House was ranged. Therefore the deduction which the right hon. Gentleman had endeavoured to draw from the disproportion of Members representing the opinions of the two sides was really, and he thought the right hon. Gentleman must himself admit, not applicable to this case. If hon. Gentlemen were anxious to serve upon this Committee, he should greatly prefer, instead of increasing the number of the Committee, that some of those who were already upon it should give way for the new comers. But if that were not agreed to, and even if it were, when they came to the selection of names he should venture to observe that he did not think the names mentioned by the right hon. Gentleman would be the most proper that could be introduced upon a Committee of this description. No possible objection could be taken to them upon any other ground; but it certainly did not appear to him that Gentlemen who were chiefly connected with the landed interest, were the most proper persons to place upon a Committee appointed to consider of the means of extending education to large towns. If it were necessary to alter the proportion of Members upon the Committee, he (Mr. Thomson) should be perfectly ready to retire—he was quite willing to offer his name as a sacrifice; but he protested aganst the increase of the numbers of the Committee. He trusted, therefore, that the right hon. Gentleman would withdraw his motion, or at all events wait a day or two until it was seen whether some arrangement could not be come to.

Mr. *Wakley* was decidedly of opinion that this Education Committee was very badly constructed, and the discussion which had arisen upon the present motion clearly showed that the system upon which Select Committees were appointed required to be changed. When the object of the Committee was a fair one he did not see what possible objection there could be to a short delay of one day to scrutinize the names of the Members of whom it was proposed that the Committee should be composed. He knew it would be said that this would give rise to discussion; but if the proposed appointment were a fair and equal one what dread need any one have of the result of a discussion? In the present instance it certainly appeared to him that the selection of Members was not a fair one, and it too frequently happened that those who succeeded in obtaining a Committee upon a pet subject appointed only those Members to set upon it whom they knew to be tolerably favourable to their views. It was said that the great object of the present Committee was to extend education to the large towns, yet it was singular that not one Member connected with the county of Middlesex or with any of the metropolitan districts was attached to it. A Committee of this kind ought, in his opinion, to be compounded only of county Members and the Members of large towns. Under all the circumstances, seeing that the matter was one of very great importance, he thought the right hon. Gentleman would do well to withdraw his present motion, with the view of bringing the subject forward in a more formal manner after the recess.

Sir *Robert Peel* said, that the discussion which had just taken place strongly confirmed the impression under which he spoke the other evening with respect to the policy of requiring that those who appointed Committees should give some short notice of the names they proposed to place upon them. Under the existing system they had fallen into a sort of habit of considering the appointment of Select Committees as a sort of patronage to be exercised by the gentleman by whom a Committee had been obtained. It was said that if notice of the names were given it might serve to provoke discussion, which would be inconvenient and objectionable. He thought quite the reverse. What was it that gave rise to the present discussion? The disproportion that existed in the Committee as to the representation of the feelings and opinions of the two sides of the House. This would be avoided if proper notice were given, so that the House might become aware of the manner in which it was proposed to construct Committees. If the Committee proposed were not a fair one, there could be no harm in the discussion; if it were perfectly fair, in all possibility there would be no discussion. With respect to this particular motion, it was said that the subject to which it referred was not a party question. He totally dissented from the truth of that assertion. It certainly was not a question upon which any party struggle was likely to take place; but the House would be miserably mistaken indeed if it supposed that the country did not take a deep interest in many questions that were not considered nor treated within the walls of Parliament as party questions. Party questions often turned upon mere straws. They were of importance to them in that House; but they were regarded as of but little or no importance to the country at large. Many of the most important questions—questions affecting the welfare of the country generally, and in which the country generally took the deepest interest—were not party questions. Upon all such questions it was of the utmost importance that the feelings and opinions of the Members of the Legislature should be fairly represented. Education was not a party question; but yet if a Committee were appointed in which the opinions of the two sides of the House upon the subject of education were not fairly represented, no report that the Committee could make would be satisfactory to the country. It appeared to him that the House ought at all times to require from a Member who obtained a Select Committee some short notice of the names of the Members he proposed to place upon it. He became the more impressed with this idea when he remembered how nearly parties were balanced in that House, and yet perceived the vast disproportion that existed in all the Committees appointed by the hon. Gentlemen on the opposite side.

Mr. *S. O'Brien* hoped, that the right hon. Baronet would not allow this matter to rest, but would come forward with some distinct proposition upon it. He (Mr. O'Brien) had no doubt that the great majority of the house would agree with the right hon. Gentleman that some distinct notice ought to be given of the names proposed to be placed upon the Committee.

Sir *H. Inglis* said, that with respect to the observation of the President of the Board of Trade that the Committee was to consist of the magical number of fifteen, he begged to say that Committees originally consisted of twenty-one; it was quite clear, therefore, that the House had the option of altering its own rules. At present there was a certain prestige attached to the reports of the Committees of the House, because it was supposed that they expressed the opinion of the whole of the Committees, whereas possibly they only expressed the opinion of a bare majority, which in the present instance would consist only of eight.

Mr. *Goulburn* understood that the President of the Board of Trade and the hon. Member for Lambeth had agreed to withdraw their names, if the House would allow it; he therefore, saw no difficulty in the House agreeing to his motion.

Motion agreed to, and names moved by Mr. Goulburn added to the Committee.

The *Speaker* thought, it proper to state that the rule of the House was, that on any Gentleman proposing the names of fifteen persons to constitute a Committee, he must previously obtain the consent of those individuals to stand on that Committee.

ELECTION EXPENSES.] Mr. *Hume* moved, in pursuance of notice, for leave to bring in a bill to define and regulate the lawful expenses at elections of Members to serve in Parliament for England and Wales. Great irregularities took place under the present law, in consequence of certain charges being legal, but which were not sufficiently defined. Taking the Middlesex election as an instance, he would venture to say that upwards of 600*l.* were expended at every election, three-fourths of which would be saved, if the magistrates of the county would allow the candidates the use of the public rooms, instead of compelling them to hire rooms at their own cost. No man ought to be compelled to incur an almost ruinous expense, when he was endeavouring to serve his country. He hoped, at least, there would be no objection to the introduction of this bill.

Colonel *Sibthorp* was not one of those who agreed with the hon. Member that a candidate for a seat in Parliament ought to be absolved from all expense whatever, nor was he of opinion that any Member ought to be paid for coming to that House. He should not object to the bill being brought in, but he should certainly oppose any clause that went to make liberal treatment of the voters illegal. He wished to ask the hon. Member when he intended to move the second reading of the bill.

Mr. *Hume* was anxious to have the Bill printed, in order that Gentlemen might be acquainted with its provisions, and he should propose that on the third Wednesday in Feburary it should be read a second time. The clause against treating had been expunged from the Bill, in consequence of a similar clause having been inserted in the Bill introduced last session by the hon. Member for Bradford.

Sir *R. Peel* hoped the House would look steadily at what might be the consequence of that part of the Bill by which it was proposed to relieve candidates from the charge of erecting booths, and of transferring that charge upon the crown or upon the country. At first sight such a proposition did not appear to be an unequitable one; but it behoved the House to look well to what might be the probable consequence of it, while they were consulting economy. The consequence might be, that the constituency might not have the means of getting to the poll within the period now limited by the law. Supposing the leading authorities by whom those booths were to be erected should be in the interest of one of the candidates? Such might be the case; they ought, therefore, to consider well the possibility of abuse under the proposed change. While on the other hand, if the candidate, from an apprehension of intimidation or of disturbance, were to be at liberty to erect a booth where he pleased, provided he did so at his own expense, that would be a very great check against those evils. He thought, therefore, that the law as it now stood under the Reform Bill was a very good law. It afforded an excellent precaution against intimidation by giving an option to the candidate to erect a booth any where he pleased at his own expense. He trusted the House would give attention to the possible consequences that might arise under the proposed alteration.

Motion agreed to.

COUNTY-RATES.] Mr. *Hume* moved for leave to bring in a Bill to establish councils for the better management of the county-rates in England and Wales. The hon. Member said, that the Bill was very similar to the one which he introduced last Session, the object of which was, however, much misapprehended by many Gentlemen who then opposed it. It had been objected to his former Bill that he wished to interfere not only with the financial, but also with the judicial powers of the county magistrates. So far from this being the case, he had been most anxious to draw a distinction between the financial and judicial functions of the magistrates. His object was, to place the counties of England and Wales, with respect to their expenditure, in a similar situation with the boroughs. He did not propose that Members of boards of guardians should be elected to assist the magistrates in the financial affairs of the county.

Colonel *Wood* said, that the Bill of last year was not confined solely to the financial affairs of the county, but interfered with the judicial powers of the magistrates. The county was to be divided into districts, in each district there was to be a paid committee, and a person very much resembling the mayor of a corporation was also introduced. That Bill was rejected by a great majority of Gentlemen on both sides of the House. The hon. Member rejected the suggestion of last year that members of the boards of guardians should be elected to assist the magistrates in the appropriation of the county-rates. If, however, any interference were necessary, he thought that, perhaps, the least objectionable arrangement would be, that the board of guardians should depute some of its members to assist the magistrates in the distribution of the rates. But it was his opinion that so great a change as the one proposed in the expenditure of the county-rates ought not to be introduced by any one hon. Member, but that her Majesty's Ministers ought to take up the subject. They ought to take upon themselves the responsibility of proposing to the House what they might think desirable to be adopted, and if they did so, they would of course take care and confine their measure strictly to the financial concerns of the county, and prevent the possibility of the present judicial arrangements being interfered with. He certainly objected to the introduction of the Bill, at the same time he should not do anything so uncourteous as to divide the House against it.

Lord *John Russell* did not intend to oppose the introduction of the Bill; at the same time he was very sorry to hear from the hon. Member that not only the object of the Bill, but a great number of its details, were nearly similar to the Bill of last year. He certainly was in hopes that the hon. Gentleman would have somewhat modified his views, in consequence of the opposition which his former Bill met with. He did not object to the principle of the present Bill, so far as proposing to give to the rate-payers some control over the expenditure of the very large sum of money that came under the head of county-rates. If they looked, on the one hand, to the immense increase of the rates since 1790 and on the other hand, at the decrease that had taken place within the last four or five years in the amount of the poor-rates, he thought it was very natural that a wish should be expressed that that part of the expenditure of the county should be subject to the greater control of those who had to bear the burden than was now obtained. But he owned that the hon. Gentleman did not judge wisely, whatever might be the propriety or goodness of the principle of the Bill in introducing so many provisions in a measure conferring this control, and which seemed to him might be given by very simple means. If, therefore, he found that the opinion of the House was the same as last year with respect to the hon. Gentleman's Bill, he should be disposed to ask leave to introduce a Bill having the same object in view, but proposing to obtain that object by the most simple possible means. He would not say, at present, that there ought to be n election of persons from the board of guardians; at the same time it was a machinery that was ready to be applied, and which certainly offered considerable advantages. At all events he should propose to limit himself to this—that a certain number of members of the board of guardians should be elected, in order to meet and consult with the Finance Committee of magistrates on the subject of the expenditure of the county, and he should propose to give them only the same power, and exactly the same power, which was now exercised by the magistrates with regard to the finances of the county. From the outline of the Bill of the last Session it seemed necessary that many offices of different kinds should be created which would necessarily have led to an increase of county-rates. He thought that any Bill on this subject should be of the simplest kind; that it should give to the rate-payer some power in matters of finance, but that it should extend to them no other part of the authority now vested in the magistracy. The question as to their judicial power was an entirely different subject, and ought to be kept separate from that question. If leave were given to the hon. Member for Kilkenny to bring in this Bill, he would state to the House the course which he would pursue. If the Government thought that the object of the Bill ought to be carried into effect, it would be the duty of Ministers to endeavour to attain the object by introducing a Bill. As to the hon. Member's Bill of the last Session, he did not attend the second reading, partly owing to the fatigues of the heavy debate which had lasted during the two previous nights, and partly because, after giving every consideration to the subject, he did not clearly see any means of carrying out the clauses of the Bill, even if it had been read a second time; and he thought it scarcely adapted to the end which the hon. Member had in view. He would sit down, assuring the hon. Gentleman that he had done good service to the House and to the country, by bringing forward that subject. He was sorry, however, that he could not agree in the present Bill so far as to adopt its provisions, but if the hon. Member did not consent to adopt a different machinery, he should feel it incumbent upon him to introduce a much simpler measure.

Mr. *Aglionby* was sure that it would be as satisfactory to the country as it was to himself to find that the noble Lord agreed in the principles of this Bill, for there was not one principle to which he had not given his sanction. The great principle of the Bill was to give the rate-payers a voice in the election of the persons who were to disburse the rates, and to allow some control over the power of expenditure. The hon. Member for Lincoln was in error if by his denial he meant to intimate that this Bill interfered with the judicial power of the magistracy. All it did was to vest the financial power in the hands of a board. The noble Lord had said that the provisions of this Bill would lead to great expense, and if the noble Lord could suggest any more simple machinery, he (Mr. Aglionby) would be exceedingly glad: he feared, however, that the noble Lord would experience great difficulty in so doing. If the present Bill were brought in, the noble Lord would not be precluded from bringing in a better Bill. He strongly supported the object of the present Bill, and though he might think that some of the details could be amended, he was convinced that some measure was necessary to cure the great evils and the most gross expenditure which had formerly taken place. He alluded to the period when the quarter sessions met with closed doors, and when no power was given to the rate-payers to know the application of the money, and when, therefore, there was no control. This system had been altered, however, in many counties through the good sense and wise conduct of the magistracy, who had thrown open the doors, and had thus been the means of effecting great saving in different counties.

Mr. *Ayshford Sanford* was glad that the Government intended to take up this question, because he feared that the Bill as it stood last year, instead of decreasing, would have had the effect of increasing the county-rates. His opinion was, that the rate-payers ought to have a control over the expenditure, and he further thought that in the board of guardians they had a machinery ready made to hand for their purpose. The board might select some member of its body to mix with the magistrates, and assist in regulating the financial affairs of the county. He believed that such a proposal would give satisfaction to the country, and that they could give all the necessary power to the rate-payers without harassing the country with another class of elections; and on the whole he thought that the subject was better in the hands of the Government than of any individual Member of the House.

Leave given.

Duchess of Kent.] The House resolved itself into a Committee of the whole House, to take into consideration her Majesty's most gracious Message.

The *Chancellor of the Exchequer* rose and said, that it was with deep anxiety that he made his present motion. He hoped, however, that hon. Members of that House were disposed to give a favourable consideration to the gracious recommendation which had been made by the Crown. It would be in the recollection of the House that during the last Session, soon after the demise of the Crown, a question had been asked of the Government by an hon. Friend of his, who was no longer a Member of that House, but who was, at that time, the Representative of Bristol, whether it was the intention of the Government to propose any additional provision for her royal highness the Duchess of Kent? It was in reply stated that Ministers had no intention to make any proposal at that moment. But it was now considered the proper and fitting time for its introduction, and the present period was advisedly chosen; because, as the question of the civil list was still under discussion, it might be considered, that though the present proposal was not necessarily connected with the civil list, and though the dignity of the Crown was less immediately connected with it, yet that it ought to be adverted to in Parliament before the Civil-list Act was passed. He hoped that the proposal which he was about to make, would meet with the approbation, not only of the Commons' House of Parliament, but also of the great bulk of the people. He did hope, that the kind feeling which was expressed in her Majesty's most gracious Message, and the consideration which her

Majesty felt for her royal highness the Duchess of Kent, would not only extend itself over the country, but that it would be confirmed and strengthened by its union with another sentiment which would influence the House, a feeling not only of respect and of attachment to her royal highness on her own account, for her personal character, but a deep sense of obligation which the House and the country owed to that illustrious Princess for the manner in which she had educated the reigning Queen of England, for the protection which she had cast over her childhood in the trying circumstances in which she was placed, for the sedulous care which she had taken of the education of her Majesty. These feelings of gratitude would not but be increased from the consciousness which pervaded all classes, that the country was now in the enjoyment of the success attending this excellent training. In order fairly to state the case of the Duchess of Kent, he would allude to the provision which had already been made for her royal highness, to the position in which she had heretofore stood, and in which she then was placed, and then he would in conclusion explain the proposition which he had to make in conformity with the gracious wish expressed in her Majesty's Message, and to what he believed to be no less the sincere wish of the House. Her royal highness's marriage took place in 1818, and it would be recollected by the House that, previously to that date, serious discussions had taken place relative to the royal marriages, and to the provisions which were to be made for the royal family. The House would, also, particularly recollect the discussions relative to the marriage of his royal highness the Duke of Kent. When the Message, announcing this event, was received, all parts of that House, Members of both sides, the Government of the day, at the head of which was the Earl of Liverpool, uniting with the hon. Members who formed the Opposition of that day, entertained but one feeling, and expressed but one opinion relative to the character of the Duke of Kent, and of the sense in which the House appreciated the character of that illustrious Prince. No sooner was the royal Message, announcing the marriage, received, than it was at once answered by an Address from that House. On that occasion, a jointure of 6,000*l.* a-year was voted to her royal highness the Duchess of Kent, and some circumstances were stated in connexion with her royal highness and of the marriage, to which he would wish particularly to draw the attention of the House. On the 15th May, 1818, Lord Castlereagh, who was then Secretary for Foreign Affairs, thus expressed himself:—

> "He was persuaded that the marriage itself must be felt by the Committee to be, in every point of view, highly satisfactory, and that if any consideration were wanting to recommend it, that consideration would be found in the fact that the connexion was not new to the country: but that the illustrious female, with whom his royal highness was about to ally himself, belonged to a family of whose virtuous and amiable qualities the country had already experienced the most convincing proof. He must say, in justice to this illustrious lady—and it was a feature of her conduct highly creditable to her, and which, he was sure, would recommend her to the respect of the Committee—that although, when the treaty of marriage was in progress, she felt it her duty not to relinquish the personal guardianship of her children by her former marriage, she did not extend that disposition to the pecuniary advantages of her widowhood, but that her marriage would deprive her of an income of 3,000*l* a-year on that score, and of other smaller pecuniary advantages arising from her guardianship, amounting in the whole to about 5,000*l* a-year. * * * Until his royal highness was thirty-two years of age, he had only 5,000*l.* a-year allowed him by his royal father, and his emoluments of about 5,000*l.* a-year from his situation of commander-in-chief of the British possessions in North America." *

At that time, an outfit was proposed for the Duke, but it appeared from the debates, that his royal highness declined being the cause of any burthen to the country in that respect. The jointure of 6,000*l.* was then voted to her royal highness. In the year 1820, her royal highness and the country were deprived of the Duke, who in that year died, and at that period her royal highness had no other income than a jointure of 6,000*l.*; even for some months after the decease of the Duke, in consequence of some defect in the words of the Act ruling a settlement of this income, her royal highness could not receive this scanty provision, and thus she would have been left without one farthing, having given up her own income, but for some private assistance which she obtained. Under the will of the Duke, her royal highness was entitled to much personal property which was bequeathed to her—personal property on the continent, as well as that which belonged to the Duke in this country. He might state to the House, and he felt little hesitation in doing so, for it was already well known, that his royal highness died in embarrassed circumstances. What, then, was the conduct of the Duchess? She abandoned the claim which she might have sustained under the will, and which was available, and she gave the whole up to the liquidation of the debts of her deceased husband. In taking this course, undoubtedly the best reward which she could receive was the approbation of her own conscience; and he should not have alluded to the fact, but that he felt it to be his duty to communicate it to the House as a part of the case which he had to present to their notice. Her royal highness continued from 1820 to 1825 filling the rank which was conferred upon her by her marriage, and in the receipt of the income only of 6,000*l.* derived from the public. He need only appeal to hon. Members who would be able to form a judgment from their own expenses how very inadequate was this sum for the purpose of maintaining the station which her royal highness held, and of supporting her family establishment. Although he must declare his opinion, that an act of generosity on the part of a royal personage to whom he was about to refer, was highly to his credit, yet he was also compelled to state, not much to the credit of England or of Parliament: during many successive years her royal highness was only enabled to support the position which she held by a contribution which she received from his Majesty the present King of the Belgians. He stated this, not merely to the honour and praise of the royal individual to whom he had referred, but also in explanation of the facts; for he conceived that it was a fact most material in the consideration of the case. The fact was mentioned to the House in the year 1825 by a noble Friend of his, Lord Ripon, and it was then stated that the amount of contribution thus made to her royal highness by her brother was 3,000*l.* per annum. He was of opinion, that the public had better at that period have looked generously into the circumstances of her royal highness than to have allowed her royal highness thus to have been assisted. He had already informed the House, that the property to which her royal highness would have been entitled under the Duke of Kent's will had been given up by her for the benefit of the creditors. Thus, therefore, she was left on the death of her husband without furniture, without outfit, and without any further credit than what her name and position enabled her to obtain. In the year 1825, the matter was again brought before Parliament, and then an additional sum was granted; and from that time to the year 1831, the annual sum which her royal highness received was 12,000*l.* He now desired to refer to some of the statements which had been made on the subject, not because he wished to support the case by fresh evidence—that, he thought, was unnecessary —but merely with a view historically to point out the true bearings of the case. In 1825, Lord Goderich stated that, soon after the death of the Duke of Kent, Lord Londonderry was asked, whether it was the intention of Government to propose an additional grant to the Duchess of Kent. His answer was, that he did not think it necessary at that moment, inasmuch as Prince Leopold had expressed his intention of contributing to the maintenance of her royal highness and her child. Mr. Canning, on the 27th of May in the same year, said:—

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* Hansard, vol. xxxviii, p. 730—731.

> "In the case of the Duchess of Kent, the parties agreed in the propriety of the grant, and if Government had anything to answer for, it was for not having proposed it sooner. There could not be a greater compliment to her royal highness than to state the great unobtrusiveness of her life, and that she had never made herself the object of the public gaze, but had devoted herself to the education of that child whom the country were now called on to adopt."

In 1831, when Lord Grey was at the head of the Administration, a formal proposition on the subject of the income of the Duchess of Kent was brought before Parliament. Up to this time the contribution from Prince Leopold had continued, and the assistance was still from time to time afforded the Duchess, but Lord Grey's Government proposed to this House the grant of an additional 10,000*l.* to her royal highness, by which her total income would then be 22,000*l.*; and this having been voted, that sum was now annually received by the Duchess. Even with respect to these grants a singular degree of frugality and economy had been shown by the House of Commons. The whole of the sums voted, namely, the jointure of 6,000*l.*, and the subsequent sums of 16,000*l.*, by which her royal highness's income was raised to its present amount, were all voted absolutely to the Duchess of Kent; the object of the later votes, however, being stated to be the education and support of her present Majesty; these annuities were for the life of the Duchess, with one exception, which was an annuity of 6,000*l.* for the life of her Majesty; in the event that her Majesty should survive the Duchess, in law this annuity of 6,000*l.* would still exist, and would descend to the executors of the Duchess according to the course pursued with regard to annuities in ordinary cases. This, however, was a position in which he thought the House would not wish that this Parliamentary grant should continue to stand. The grants were made to the Duchess of Kent; and it never could be supposed to have been the intention of the House, that the annuities should survive her royal highness, and therefore in the Bill which he now proposed to introduce he made a provision by which this anomaly would be corrected. He had endeavoured to state the peculiar position of the Duchess of Kent, and he should next wish to call the attention of the House to the situation in which her Royal Highness was placed in relation to the Throne. He believed that this was the first instance since the reign of Henry the 7th, in which there had been a princess placed in the exact position of the Duchess of Kent, for in all other instances the personage similarly situated had either held the rank of Princess Dowager of Wales, or of Queen Dowager. He referred to this circumstance because the House would see that if the Duchess of Kent had been placed in either of these situations, provision would necessarily have been made for her support to a much larger extent than he was inclined to recommend. There had been various recent cases in which such provisions had been made for Queens consort and Princesses of Wales; he found that in 1761 the jointure of Queen Charlotte was fixed at 60,000*l.*; in 1795, the allowance to Caroline, then Princess of Wales, was fixed at 50,000*l.*; while in 1831 that of the present Queen Dowager was fixed at 100,000*l.* He adverted to this for the purpose of showing that if it had not been for the peculiarity of the situation of the Duchess of Kent, a peculiarity which had not existed since the reign of Henry the 7th, she would already have had an abundant provision made for her—a provision, he repeated, much larger than that which the Government now intended to propose. In further considering the question, he would again remind the House of the fact, that the Duchess had received fifty per cent upon her public income from the Prince Leopold and in alluding to this, the House must be quite aware of the circumstances attending the sum granted to that Prince for his support. Subsequently, however, on his assuming a position different to that in which he had before been placed, and on his becoming a foreign prince, feeling no doubt that there was an inconsistency in continuing as a Sovereign to draw a parliamentary annuity from this country; with that nice sense of honour by which his Majesty was distinguished the King of Belgium at once voluntarily gave up the whole of the income which he received, subject only to the payment of certain small charges, thus abandoning an income of 35,000*l.* freely granted to him by this country, and which was his property as much as any income by the law of the land could be made the property of any individual. By this generous renunciation of his rights the King of the Belgians, had already effected a saving of 180,000*l.* to the nation; and he could say that a nicer discrimination could not have been evinced than that which was exercised by that Prince—for while he reserved to himself the right of apportioning a certain sum to be distributed in this country in charitable uses—he gave up the whole of the surplus of his income to the nation from which he derived it. He had stated these facts of the case rather because he thought it was his duty not to exclude them, than because he imagined there would be any disinclination or reluctance on the part of the House to mark by a support of his resolution the high sense which every hon. Member must feel of the admirable qualities and conduct of the Duchess of Kent. The best proof of the existence and the universality of that feeling was the trust which at the accession of his late Majesty had been reposed in her Royal Highness. He alluded to the passing of an act of Parliament, drawn up with more than common care and attention, and attracting more than ordinary notice, recommended from the other House, introduced by one Government, adopted by another, and agreed to by both, and by the Legislature and the country, by which all showed their sense of the character of the Duchess of Kent, and their implicit reliance upon her conduct. Parliament marked the respect they felt for her royal highness, founded on past services, by voting unanimously that she should be Regent, in the event that her present Majesty should succeed to the Throne before she should have attained her majority. The words of the preamble of the Act imported the high respect entertained for her Royal Highness; that preamble declared that the enactments which it contained were adopted in order to secure to the people that civil and religious liberty which had been enjoyed by them during the reigns of his then present and his late Majesty. A greater tribute than this could not have been paid to her Royal Highness's character, and it sufficiently proved the high esteem in which she was held, and the confidence which was had in her in the event of her being called upon to act in the administration of the affairs of the country, It was, therefore, as a tribute of respect to her Royal Highness, and he was confident with the fullest concurrence of the country. that he made a proposition to the House, and that proposition was, that a vote of an additional 8,000*l.* a-year should be passed for her Royal Highness, this vote being accompanied by an alteration of the law by which the reversionary annuity now payable for the life of the Queen should be converted for an annuity for the life of the Duchess. There was no one, he was sure, who had looked into the question who would not think that the proposition was one which deserved the approbation of the House. The Message from the Throne stated that the increased proximity to the Throne of her Royal Highness was one reason for an additional allowance being made. He knew it would create many an additional claim on the bounty of her Royal Highness. He did not think that it would be urged as a reason against the increased allowance, although it had been suggested out of the House that her Royal Highness might possibly reside with the Sovereign; he was convinced that it would have occurred to every Gentleman that the residence of her Royal Highness with her Majesty ought to be a matter of free choice and affection on her part, and that it ought not to be looked upon in the light of a matter of economy, or a subject of necessity to one or the other. It would be dangerous in every sense, whether considered with regard to the public, the private feelings of the illustrious parties, if so pitiful a consideration should be entertained. He had now endeavoured to state the grounds on which the proposition was made, and the reason for which it was delayed until now. Independently of the question of amount of money, he thought there existed only one feeling on the part of the House, and that was a desire to have an opportunity of testifying the deep sense of gratitude which they entertained for the mode in which her Royal Highness had conducted the education of her present Majesty. In this House, where every hon. Gentleman looked forward and with expectation and delight to the prospect which was presented to them by the character of her present Majesty, was there one amongst them who did not know that the formation of that character had been the care of her august mother, to whom the charge of her education had been given; and he was sure that hon. Members would mark by their votes the sense in which they estimated her Royal Highness's conduct in this particular. He could show by reference to the cases of the Duke of Clarence and others, that the income now proposed was infinitely less than that which had been voted on former occasions; and he might be allowed to state that, in fact, the utmost increase of charge to the public would be 2,000*l.* a-year. That sum would be more than covered by the cessation of the annuity of 6,000*l.* enjoyed by Prince George of Hanover, which expired in June last. But he was sure the House would not contemplate the question in that way; they would feel that this was an occasion on which they had to acknowledge that great services had been rendered to the country, and they would be anxious to pay this tribute of their gratitude for those services. He believed that it would be a source of gratification to them to avail themselves of this the earliest opportunity of replying to the gracious message received from the Throne. He must apologise for the length of his statement, as well as its inadequacy. He had entered into explanations that perhaps were not required; he had suggested difficulties that might not be raised, and met arguments that probably would not be urged, but he thought it better to anticipate and dispose of every possible objection at once, than to leave anything to be answered hereafter. He concluded by moving that her Majesty be enabled to grant an additional yearly sum, not exceeding 8,000*l.*, out of the consolidated fund, for a more adequate provision for her Royal Highness the Duchess of Kent.

Mr. *Hume* assured the House that no

individual felt more grateful than he did for the vast and important services rendered to the country by her Royal Highness the Duchess of Kent, and no one in that House desired more sincerely than he did to see her in the full enjoyment of the high gratification which she must derive from witnessing the result of her exemplary conduct towards the illustrious object of her care and devotion. He believed that the right hon. Gentleman in allusion to this portion of the subject had in no respect exaggerated the truth. But while he cordially participated in these feelings, he could not but express his regret that a precedent for the present grants had been quoted which the country considered to be of an extravagant character. It was no doubt in some respects gratifying to make exceedingly liberal provisions; but in all such cases it was the duty of the House to look also to the interests of the people, and to take into consideration in what manner these provisions were to be paid. The grant of 100,000*l.* per annum to the Queen Dowager had been alluded to; though, however, that sum was paid, hundreds of thousands regretted it. He must confess that when the right hon. Gentleman gave notice of his motion he was not prepared for a proposition of the nature of the present; he had no idea that the right hon. Gentleman would propose that they should grant to her Royal Highness any sum beyond that which she now enjoyed. It was because he entertained the greatest respect for her Royal Highness, it was because he earnestly wished that she should continue to enjoy the popularity which she had so honourably earned, that he was unwilling that one farthing of money should be given to her which might injure her in the estimation of the country. The right hon. Gentleman had said, that in making a provision for her Royal Highness they ought to grant liberally; but he would ask was not the provision of 22,000*l.* per annum already enjoyed by her Royal Highness a liberal provision? He did not think that her "increased proximity," to the Crown warranted the grant. If they could put a price on gratitude, it was not possible for any individual to be disposed to vote a larger sum on that account than he would; but he felt opposed to the present vote because he feared that it would place her Royal Highness in a situation to derive injury rather than benefit from it. Of the allowance of 22,000*l.* per annum, it should be remembered about three-fourths must be saved by the diminution of expense occasioned by her Royal Highness's altered position since her Majesty's accession. The 8,000*l.* was a paltry sum to contemplate. as an increase. But he objected to the principle. He would now say no more than again express his deep regret that more consideration had not been given to the subject before her Majesty's Ministers came forward with a proposition which certainly did not appear to him to be consistent with the principles of justice.

Sir *Robert Inglis* was happy to find that the hon. Gentleman did not oppose the motion. The hon. Gentleman had stated his doubts of its propriety, but a little more moral courage would have enabled him to answer them. He had not suggested any specific objections, but had merely expressed his fear that the grant might alienate the affections of the people from her Royal Highness. In reply to the hon. Gentleman, he would ask, was it not for the House to take its own line, irrespective of any possible objection that might arise out of misconception? As the hon. Gentleman had only expressed his doubts as to the propriety of the vote, he trusted that it would pass unanimously. He believed that it would be seconded by the country. The people would feel from what they had witnessed of the past expenditure of her royal Highness, that in making an addition to her income they would only be affording her the means of contributing still further to the encouragement of every good object. He believed that the income of no one individual in the country had contributed so largely as had that of her Royal Highness to charitable and benevolent purposes.

Colonel *Sibthorp*, as one of the "guardians of the public purse," considered it his duty to say a few words on this question. He thought that the right hon. Gentleman would have acted more consistently if he had submitted his proposition to a fuller House: it would have been more satisfactory to the country had this vote been taken when there was a greater number of Members present. He would be one of the last to refuse such a sum as 8,000*l.* per annum if it were necessary to the dignity or comfort of her Royal Highness, but looking at her Royal Highness's present income, and considering the charges from which it would hereafter be relieved, he could not help thinking that the right hon. Gentleman, the Chancellor of the

Exchequer, who was such a professed friend of economy, would have done better had he postponed the consideration of the grant till a future period, or had he brought it forward earlier.

Sir *Frederick Trench* thought, that the debt to her Royal Highness was one that was not to be discharged by money; but he felt that they were bound to provide her Royal Highness with the income that was necessary to enable her to continue that generosity and benevolence which had marked her past career. The income now proposed was, in his opinion, not more than adequate to those high purposes. It seemed to him that out of this subject an important question arose that he desired to put to the right hon. Gentleman, the Chancellor of the Exchequer. Did he know that her Royal Highness, in the education of the illustrious Princess—in her administration of her small income for state purposes—had not incurred some debts? If she had, he would say, that they ought to be paid. They were all aware that she had lived in profound retirement till the age of the Princess made it necessary to introduce her to the British public. He knew nothing of her but what he had observed of her public conduct, but he felt that not one pound had been spent on that illustrious Princess—that not one pound of obligation had been incurred on her account—but must be approved. If, then, her Royal Highness had incurred any debts, he was willing to vote a grant to set her free in the course she was now to run. That, he thought, was the only way in which the House could evince its gratitude.

Mr. *Finch* hoped the House would allow him to say a few words, this being his first essay before them. It appeared to him that some of the remarks of the hon. Gentleman who had just sat down were of rather an extraordinary character for one who ventured to present himself to the House in the character of a friend of her Royal Highness. [Sir *F. Trench:* No.] Well, then, he would change the word "friend," and substitute for it that of "well-wisher." He would ask the House whether it was consistent with the character of a well-wisher of her Royal Highness for any one to come before them and introduce the subject of debts supposed to have been contracted by her Royal Highness, without having heard a word to that effect either from the right hon. Gentleman in his statement or from any other quarter? When such matters were mooted by one who professed to be a well-wisher of her Royal Highness, she might very forcibly exclaim, "Save me from my friends!"

Sir *Robert Peel* thought, it would have been more satisfactory to the House, and more respectful also, if, when her Majesty's Government stated the arrangements they proposed with regard to the civil list, they had conveyed to the House some intimation of the increased provision which they now recommended for her Royal Highness. This fact could not be concealed, that many hon. Members, who had left London under an impression that no such proposition was likely to be made, had they been aware of it, would have been anxious to be present, for the purpose, he believed, of expressing their general concurrence in the arrangement. He should give his assent to the proposition which had been made by the right hon. Gentleman. On all occasions when the Duchess of Kent's conduct had been brought under the consideration of Parliament, he had expressed in the strongest terms his sense of the gratitude due to her Royal Highness for her superintendence of the education of the illustrious Princess, who was the natural object of her care. She had devoted herself in the most exemplary manner in which a mother could to that important national charge. When retirement was best suited to the age of the Princess, she consented most cheerfully to the most rigid seclusion. When the Princess had arrived to a more advanced age, and it became of importance to introduce her to the society of the leading men of all parties, and likewise to acquaint her in some degree with the manners of the world, there were no bounds to her liberal, but necessarily moderate, hospitalities. He could conceive that in indulging in that hospitality she might have exceeded the limits which Parliament had prescribed for her expenses. He, however, made no inquiry on that subject. The provision appeared to him to be a liberal one, and he could not concur with his hon. Friend behind him (Sir F. Trench) in seeking to get the House to increase the allowance which had been proposed by the right hon. Gentleman. He must say, that he could not reconcile it to his feelings to express an opinion in concurrence with that of his hon. Friend. He took it for granted that her Majesty's Government, before they came to this House with this proposition, had made due inquiry, and he was certain that it would not be becoming to enter into very minute details on such a subject. In forming an opinion he considered himself bound to compare this provision with similar provisions that had been made for others; and in so doing he must say, that he found nothing in the amount of the proposal that startled him on account of its extravagance. Presuming that the grant was determined on after due inquiry had been instituted by her Majesty's Ministers, he gave his cheerful acquiescence to the motion. If he entertained any doubt as to its propriety, his respect for the private character of her Royal Highness, his sense of her public services during the whole course of her education of her royal daughter, would induce him to suppress that doubt, and unite in the hearty concurrence which he hoped would make this vote an almost unanimous one.

Lord *John Russell* said, there was so little appearance of unwillingness on the part of the House to concur in this vote that he thought it unnecessary to resort to any arguments in its support. As to the time at which the motion was brought forward, it was the opinion of her Majesty's Government that while, on the one hand, this was a matter which did not properly form part of the civil list, the civil list comprehending only the arrangement required for her Majesty, on the other hand it would not have been proper to delay it till after the Christmas recess. He did not think that the state of the House was such as to render it improper at this time to bring forward this subject. It was not a question upon which it was likely there would be any opposition of parties; and it appeared to him that there was a sufficient number of Members present to consider the proposition. He did not think that they could have chosen a more proper time in order to bring forward the subject than the present. He could certainly say that the education given by her Royal Highness the Duchess of Kent to her present Majesty was such as to entitle her to the gratitude of the people of this country; because while on the one hand she carefully provided that the Princess should not be confined to the society of any one political party, she did at the same time afford her an opportunity of meeting the most distinguished persons of every division of opinion. He felt, therefore, that the motion proposed was one which ought to be received without any mark of dissatisfaction whatever. He was sure, from the communication they had had on the subject of this vote, that it was the wish of her Royal Highness the Duchess of Kent that the proposition made to Parliament should be received with satisfaction. As this was the wish of her Royal Highness, he trusted it would also be the feeling of the House, because it was only by its being granted with willingness and cheerfulness that the grant could be satisfactory to her Royal Highness; and he was quite sure that her Royal Highness would not be gratified with any proposition which tended in the slightest degree to produce dissatisfaction.

Sir *Robert Peel* said, that the noble Lord seemed to have misunderstood him. He did not object to the time at which this grant was brought forward, but he did object that it should be brought forward without the slightest intimation that it was intended to propose such a grant. When the proposition was made with respect to the civil list, seeing how intimately connected this provision was with the settlement of the civil list, he thought that the increased allowance to her Royal Highness the Duchess of Kent might have formed—though not a part—a consideration connected with it. This message had been brought down on Monday, and they were called upon to pass the vote on Tuesday. He thought it would have been doing justice to the vote, and not in the slightest degree prejudicing it, if rather more time had been given to its consideration.

Sir *Frederick Trench* said, he had not the honour of the intimacy, and scarcely of the acquaintance, of her Royal Highness the Duchess of Kent, and he had merely given his opinion as a Member of Parliament. He thought that the debt of gratitude to that illustrious lady could not be repaid, but still they were bound to do everything in their power to show their gratitude; and he rather regretted, if a further sum were necessary, that Ministers had not had the courage to come to the House to ask for twenty—ay, fifty, or a hundred—thousand pounds more.

Mr. *Williams Wynn* rose under feelings of extreme regret to state to the House the reasons why he could not approve of the present grant. No one could be more willing to pay respect to the merits of her Royal Highness the Duchess of Kent, and no one entertained a more lively sense of the gratitude which the country owed to the illustrious lady for the manner in which she had discharged her high duties; but he felt that this was a debt which could not be paid in pounds, shillings, and pence. The question appeared to him to be this, was the situation of the Duchess of Kent so altered by the accession of her daughter to the throne as to call for an additional vote from Parliament? The phrase in the message was her "increased proximity to the throne." Now, it should be recollected that of the sum of 22,000*l.* granted to her Royal Highness the Duchess of Kent, a considerable portion was specifically granted to defray the expenses of the education of the Princess. These expenses no longer existed. The income of the Duchess of Kent now exceeded that of any of the princes of the blood royal. The Duke of Sussex had a smaller income, and her Royal Highness the Duchess of Gloucester had an income only of 15,000*l.* He could not see in what respect the situation of the Duchess of Kent differed from that of any of the other Members of the royal family, or why she should be called upon for a larger expenditure. He certainly felt many objections upon principle to the present grant, but, under the circumstances, he would not offer any opposition.

Sir *E. Sugden* did not rise to offer any opposition, but merely to draw the attention of the Chancellor of the Exchequer to this fact. If this resolution for the grant of 8,000*l.* were embodied in a separate Bill, the right hon. Gentleman would find himself embarrassed by the previous Acts of Parliament sanctioning former grants; but if he took a resolution for the whole income of 30,000*l.* which was intended to be granted, and embodied them altogether in one Act of Parliament, all the difficulty would be avoided.

The *Chancellor of the Exchequer* said, that all that was wanted in this preliminary resolution was to have the sum voted.

Resolution agreed to, the House resumed. Report received.

HOUSE OF COMMONS,

Wednesday, December 13, 1837.

MINUTES.] Bills. Read a first time:—Recovery of Forfeited Recognizances (Ireland).—Read a second time:—Civil List.

Petitions presented. By Mr. WALLACE, from the Booksellers and Publishers of London, for amending the Post-Office arrangements. By Mr. GROTE, from Freshingfield, East Suffolk, in favour of the Vote by Ballot.

RECOVERY OF TENEMENTS.] Mr. *Aglionby* rose to move the second reading of the Recovery of Tenements Bill. He would not go through the whole matter, and would content himself with shortly stating that the reasons which induced him to introduce the measure was the fact, that in two former Sessions this Bill was read a second time without opposition, so far as affecting the principle of the Bill in the least. During the Committee on the details of the Bill some opposition was raised on the part of one or two hon. Members, an opposition which was no doubt most conscientious, but raised at an inconvenient period; and then not against the details, but against the principle of the measure; and in one night there were no less than four divisions for postponement and adjournment. On one occasion there were only two Members in the minority, and on another only one. He still hoped that if there were any objections to the principle of the Bill they would be made at once; and if there were any to the details they might be brought forward in the Committee. He had not obtruded himself upon the House in bringing forward this measure. He had appealed to the law officers of the Crown, and from what he had heard from the right hon. Gentleman opposite, that the revision of the law between landlord and tenant would fairly come within the consideration of her Majesty's Government, he had repeatedly attempted to draw the attention of the Attorney-General to the subject without effect. He had, however, had his attention called to the question from every part of the country. If the evil were great, as no hon. Member denied, they were bound to apply a remedy. This measure might, perhaps, in some respects prove to be partial in its operation, and he had never shut his eyes to the difficulty which existed. Understanding from the Chancellor of the Exchequer, on a former occasion, that some measure for the establishment of local courts was forthcoming, he had withdrawn his Bill. The same course was adopted last Parliament of delaying the progress of the Bill. He had attended fourteen Wednesday nights when the House was counted out. No delay, however, had occurred on his own part. The Bill was read a second time without opposition; but on going into Committee the Bill was opposed by two hon. Members, and the hon. Member for Finsbury having stated he had serious objections to it he was induced to withdraw the measure. To show how ancient the evil was which this measure was proposed to remedy he would quote a passage from "Burn's Justice." That learned author held that the remedy was not adequate to the evil; both, because it was uncertain and difficult of operation. The commissioners of common law, in their fifth report, held the same doctrine, in the case of tenants of small tenements, where they held unduly over their term. He had in his possession a volume of correspondence, stating the evils which existed. He must be permitted to advert to the various frauds which were continually resorted to by tenants. He had heard of one case in Liverpool where a dog was left in possession of premises. He knew also a case in Manchester where the undertenant required 5*l*. to induce him to quit, and the tenant from whom he held required 30*l*., and the head landlord was obliged to pay them both before he could obtain possession of the house. This was only one of many such cases which were continually happening in various parts of the kingdom. He had divided his Bill into two parts, which so far differed from the Bill of last Session. One of the parts referred to tenants under 20*l*., the other, to tenants above that amount. The Bill provided that parties should go before a magistrate, and make certain declarations in the Bill provided, and which were intended to satisfy the magistrate; first, that notices had been given in a manner described in the Bill, which notices were to give the magistrates jurisdiction; and, secondly, to satisfy the magistrates of two facts, that the relation of landlord and tenant did at one time subsist between the parties, and that it no longer existed. If any question of title was included in the case the magistrate might dismiss it to a higher jurisdiction. The Bill provided, further, that if a landlord used this process to gain possession of a tenement to which he had no right, the tenant so ousted might bring an indictment against the person who made the false representation, and an action against the landlord. The Bill gave a remedy against the landlord, for he (Mr. Aglionby) thought the magistrate ought to be protected from any action whatsoever. With respect to the 50*l*. clause in his Bill, which gave the landlord, after bringing his action of ejectment, power to call on the tenant to enter into security for costs, he was prepared, notwithstanding the objections that might be urged against it, to justify it, on these grounds:—He might be told that it gave the landlord power to dispossess tenants of large holdings for political purposes; but he contended that it would have no such effect. Let hon. Gentlemen look to the expenses to which a landlord was put by an action of ejectment against the tenant, who, if he happened to be a man of straw, would leave him in beside for the costs. The object of the clause was to meet cases of this sort; and it was grounded on no less an authority than the report of the commissioners of common law, from which the clause was copied almost word for word. If, therefore, he erred in introducing such a clause into his Bill he erred on great authority. He would call the attention of the House more particularly to the effects of the clause. After the landlord had brought his action of ejectment he could go before the judge, and call on him to give a summons to the tenant to come before him, prepared to give security for the costs of the suit. The judge was to determine whether the bail which he offered was considered to be sufficient or not. In what way, he would ask, would a tenant be injured by this? No one but a dishonest tenant would put a landlord to the ruinous process of ejectment; and it was but fair that, in such a case, he should be made answerable for the costs. He begged to apologise for detaining the House so long. He had adverted to some matters which might have been better mentioned in Committee; but he preferred alluding to them now, as he might not have another opportunity of answering objections.

Mr. *Jervis* said, it had been his duty more than once to oppose this Bill; he had been a party to the opposition to it when he, with the hon. Member for Finsbury, divided against it, and successfully. He was satisfied that this was a landlords' Bill, that it was an oppressive measure which established invidious distinctions between the rich and the poor. The hon. Member had said sufficient to satisfy him that some measure was necessary in order to enable landlords to recover possession in certain cases; but he would ask, was not a measure oppressive which provided that as regarded the poor, a magistrate was a sufficient tribunal, whereas as regarded the rich the sanction of the law was necessary? The arguments of the hon. Gentleman only served to show the necessity for local courts. He had stated that the bill had been twice read a second time in that House in aid of his arguments, but yet the hon. Gentleman now said that he would alter it, and make the magistrate a judicial officer. But, in fact, the measure, if it became the law, would subvert the whole rule of ejectment and the nature of the common law of the land. There was no man who had any experience at *nisi prius* who must not be satisfied that it would subvert all their notions of real property and the law of landlord and tenant. Landlords were ready and willing enough, and rich enough also, to be able to make communications to the House of cases of hardship on their parts; but he would ask if the tenants, could they be heard, had no cases of hardship also. He had known two cases at the assizes in Cheshire, in which rich landlords attempted to oppress tenants. The cases were these:—the tenants held two inclosures from a common, for which they paid a quit-rent. The landlord gave them notice to quit on the ground of tenancy, but they contested it, and a jury, finding that it was a quit-rent they had paid, settled them in possession. Had the bill now proposed been in existence those landlords might have gone before a magistrate, made the declaration required, and those two tenants would have been turned out of their holdings, and left to bring actions against the landlords if they were insane enough to do so. He was surprised that such a proposition should come from his hon. Friend. In all towns, where the ten pound householders lived, the landlords, by keeping them constantly under notice, from half-year to half-year, would have the voter completely in their power for if he refused to do as they wished the remedy was easy—they had only to go before a magistrate, and have the tenant in four days turned out of his house. The bill of his hon. Friend assumed that all tenants were rascals, and that the law should be stretched to give a security to the landlords which was given in no other case. Though in a few cases the landlords might suffer, yet if they were more attentive to the bargains they made, and the security of the tenant, the establishment of local courts would be found a remedy for all the other evils complained of. The House, he trusted, would not countenance this bill, though there could be no doubt but his hon. Friend in bringing it forward was actuated by the best, although mistaken, motives. He should, therefore, move as an amendment that the bill be read this day six months.

The *Solicitor-General* was aware that the question which his hon. Friend (Mr. Aglionby) had brought forward was so surrounded with difficulties that they had only a choice of difficulties to deal with. The question was, whether it was so clear that the balance of probabilities was against the bill, and that they should refuse to entertain it. If the evil were admitted, he knew of no better remedies than those which were proposed in the bill, and the motive for bringing the bill forward was the impossibility, under the present law, of ejecting tenants who had small holdings. It was said that this was essentially a landlord's bill—and so, indeed, it ought to be called if it gave a proper remedy to an injured landlord. If it did more than that it was an improper bill, but if it only redressed an injured landlord they would disgrace themselves if they did not entertain it, lest it should be said that it was altogether a landlord's bill. Was the landlord, he would ask, the only person interested in this bill. Had it never occurred to the hon. Member that individuals would be loth to embark their money in building small cottages if they had not some security like this? and thus, though indirectly, the Bill operated for the benefit of the tenant as well as the landlord. Individuals were now put to the inconvenience of a tedious process of ejectment, whereas by this bill the individual, having given security, or a declaration on oath before one or two magistrates, the tenant in the tenantry was expelled. It was competent to a magistrate to alter the relative position of the parties, forcibly putting the one in possession, and leaving the other to his remedy at law. There were many causes, it might be said, in which parties clearly supposed themselves to be holding as ordinary tenants, whereas it might be proved that they held by payment of a quit rent. The parties could not have an absolute security. This was a mere question of practice, and he thought the difficulty which had been thrown in the way by the hon. Member for Chester tended only to show that the balance was in favour of, and not against, the bill. It was perhaps a matter of opinion on which side the balance rested. Again, the measure introduced by the hon. and learned Member for Cockermouth was very much what had been recommended by the common law commissioners. That report had emanated from a Committee composed of the hon. and learned Member for Huntingdon (Sir F. Pollock), who was the chairman, and several other distinguished Members of the bar from both sides of the House. With regard to larger holdings he did not see the force of the objection. Under all these circumstances he trusted the House would allow the bill to be read a second time.

Sir *Edward Sugden* said, that the House, when legislating generally on the subject of landlord and tenant, should be careful to satisfy that vast body of persons who filled the relation of tenant that they were not anxious merely to secure their own rights as landlords, but were merely anxious to make security for the rights of tenants. Now, he thought, the Bill was in direct violation of all principles of legislation as regards mutual remedies. He did not deny that there ought to be such a modification of the law as would, by lessening the expense, give a more speedy remedy. It was a mistake to suppose, that by making the remedy more speedy, if it was a just remedy, the landlord only was benefitted. It tended to prevent litigation between landlord and tenant, and therefore conferred equal benefit on the one as on the other. But his objection to this Bill was, that it did not admit of any modification. No alteration in Committee could make it such a Bill as the supporter of the Bill himself stated that it ought to be. It went upon this ground, to take away all security whatever from the tenant, and to place him entirely in the power of the landlord. It ought to be a matter of grave consideration whether the power of deciding upon questions between landlord and tenant should not, up to a certain amount, be given to the magistrates, though certainly this would be placing them in a very delicate position, and they would probably be the first to object to it. The hon. Mover had stated that the magistrate was to see that the relation of landlord and tenant had once existed between the parties, and that it no longer existed, but the Bill provided no such thing; it only provided that the justice was to see that a certain notice had been delivered and a certain declaration made. The tenant wrongly ejected, indeed, might bring his indictment or his action; but how seldom would he have the power to do so. A man in full possession, with his family and furniture in the house, receives a notice to quit, which he does not believe to be legal, or, perhaps, he does think that his term has not expired. He says to the landlord that he will resist him; and had he not a perfect right to do so? What, however, said the hon. Member? He would not stay to inquire whether the landlord was right or wrong, but would go to a neighbouring magistrate, and having filed his declaration, the magistrate was bound to issue his warrant, and within four days turn the tenant out of doors. What, however, was to be done with his furniture? Suppose that he was not able to find security for the costs, it was to be sold within fourteen days. Was this fair, was this consistent with the laws of England? The hon. Member would give a hearing to one side, but would deny it to the other. If he said that he would summon the tenant, and that he would hear his statement before resorting to any extreme measure of this sort, he could then understand the proposition; but he never could believe that the House of Commons could give its sanction to a measure so unjust in principle and so oppressive in practice. He for one, as belonging to the class to which those powers were given, would feel great alarm, lest a feeling o. suspicion should be engendered in the minds of the people of England that, in sanctioning such a measure, they were thinking more of their interests than of the justice of the case. The hon. Member asked what harm will this Bill do the tenant? "I give, to be sure, extraordinary powers to the landlord, but I give the tenant something in return." What did he give? He gave him an action for damages, and an indictment for perjury. Was it possible the hon. Member was aware of the state of the law, and made such a provision as this? Did he consider the relation in which the class of persons stood who were likely to be affected by this Bill, and believe that such a remedy as this would not be inoperative? Suppose the landlord was wrong, what was the remedy which the hon. Member gave the tenant? An indictment for perjury. This was a remedy which would scarcely if ever be resorted to, and the tenant was thus wholly left without protection. He would never be a party to a factious opposition to any measure; but he would never give his sanction to a Bill which he believed to be so objectionable in all its details. He thought that in any measure of the sort which might be introduced, the tenant had a right to demand the same security as the landlord had. He was quite satisfied that, whatever difference of opinion there might be as to the details of the measure before the House, there could be but one opinion as to its principle. He should, therefore, although reluctantly, vote against the proposition.

Mr. *Pryme* thought, that the objection of the right hon. Gentleman might be answered in Committee. Every man must know the difficulty felt by landlords in ejecting bad tenants. The expense and loss not unfrequently amounted to as much as the value of the fee simple of the property, and not seldom the tenant would demand a sum of money to induce him to quit. If it was thought the magistrate ought to have a power of adjudication, a clause might be framed and introduced in it in Committee. It should also be remembered that if the magistrate decided wrongly, the tenant had no remedy from another tribunal.

Mr. *Wakley,* although he had voted last Session against the measure, yet thought that the House ought immediately to adopt some remedy. He thought the course to pursue, if the hon. Member for Cockermouth would agree to it, would be to refer the Bill to a Select Committee, where it might be advantageously considered with another Bill, which had been introduced for the rating of small tenements—one Bill being for the relief of landlords, and the other for the relief of tenants. It appeared to him that the two measures could be very properly blended, and this could be easily accomplished if referred to a Select Committee. It was clear that the proposition contained in this Bill would never be satisfactorily arranged in a Committee of the whole House. It had been tried in two Sessions, and had signally failed, and they had heard to-night that it would be impossible to make it a law without violating some of the first principles of the statute and common law of the land. Besides, the hon. Member for Cockermouth was of a different opinion now from that which he held last Session and the Session before, as to one of the principles of the bill. Formerly he considered that the magistrate should possess merely a ministerial power, but now he considered that he should have a judicial authority to determine whether tenancy had expired or not. He therefore thought that the hon. Member could not object that the bill should be referred to a Select Committee, where those propositions could be maturely considered, and witnesses examined, both landlords and tenants, as to the present state of the law.

Mr. *Cutlar Fergusson* could not agree to reject the bill. He considered the principle of the measure valuable. At the same time, he could never agree to a provision that the landlord should have the power to eject without inquiry as to whether the tenancy had ceased. That, however, could be remedied in a Committee of the whole House, or a Committee up stairs. He thought there should be a cheap mode of ascertaining whether the tenancy had ceased, for the expense was at present a great difficulty, especially to a poor man; he considered that some summary mode of ascertaining this should be agreed to.

Lord *Sandon* said, that the evil of the present system was acknowledged by all parties as one which was grievous to both landlord and tenant. He thought that the bill should be read a second time, in order that its provisions might be discussed in Committee.

Sir *Harry Verney* thought, that landlords ought to be protected by some bill —he would not say the present bill in its present state; but they ought to be protected, and he would vote for the second reading of it, in order that its provisions might be discussed.

Mr. *Aglionby,* although he had no objection to a Select Committee on the bill, yet thought that this was not the stage at which this course should be adopted. If the House sanctioned the second reading of the measure, then he would consent to the appointment of a Select Committee, although he thought he could show the House that nothing would be gained by it.

Mr. *Brotherton* supported the second reading of the bill. At the same time he thought the suggestion of the hon. Member for Finsbury, for the consolidation of the rating of Small Tenements' Bill and the present measure, worthy of consideration.

Bill read a second time.

Freemen and Parliamentary Electors.] Lord *J. Russell* moved, that the Freemen and Parliamentary Electors Bill be read a second time.

Mr. *Thornley* said, that with reference to the objects of the bill which it was now proposed to read a second time, he was convinced, from experience, that the freemen were the worst part of the constituencies of the country. An hon. Member had said upon a former occasion that the restrictions to be removed by this bill had pressed very heavily on a certain class of electors, and ought to be removed. The bill, however, said that other restrictions upon the household voters should also be removed. Now the restrictions on the freemen were the only guarantees for their being *bonâ fide* entitled to vote while the restrictions on the householders deprive them of their franchise. In its present shape he thought the bill had no chance of passing the House, and the Government were thus defeating one object by uniting it with another which was every way objectionable. Though he would not oppose the second reading of the bill, yet he suffered it to pass that stage only in the hope that some alteration would be made in the Committee.

Mr. *Hodgson Hinde* said, that as the freemen had been deprived of the principal part of their former privileges, they ought not to be required to pay a tax for the remainder. It was complained that the rate-paying clauses of the Reform Bill were a hardship upon the new constituency created by that bill, but the tax upon the admission of freemen was far more unjust. He would not oppose the bill now, but would do so at a future stage.

Colonel *Sibthorp* would never hear the freemen of England abused without rising to say a word in their defence. He did not know what the freemen of Wolverhampton were. If they were the mad set of people the hon. Member for Wolverhampton considered them to be he begged to say, that the freemen of the city which he (Colonel Sibthorp) had the honour to represent, were a very different description of persons, and he should not like them to come in contact with the freemen of Lincoln, because a scabby sheep would endanger a whole flock. He would not oppose the second reading of the Bill, although, at the same time, he begged leave to say, that it was one of those very many bills which the noble Lord found himself obliged to introduce from time to time, to show that the Reform Bill was not what it had been represented to be, a final measure. He had long endeavoured, but in vain, to induce the noble Lord to give him some idea of what had been the expenses attending the printing of the Reform Bill. In his conscience, he believed that a better man than the noble Lord did not exist in private life, but a worse man never showed himself in public life. His policy had been dark and crooked, and he had been working, like the mole, under ground. The freemen had been treated shamefully, disgracefully, and faithlessly. They had been told that their rights would be preserved, but such was not the case. He would say nothing of the Chancellor of the Exchequer's conduct, but, without meaning anything disrespectful, it appeared to him, that the noble Lord and his Friend were like the Siamese twins. He hoped the freemen of Stroud would, some day, remind the noble Lord of his ingratitude towards the entire body of freemen, some of whom, when he was kicked out of another place, had sent him to that House.

Sir *A. Dalrymple* approved of the Bill so far as it went to relieve *bona fide* householders and rate-payers from the clause which compelled them to pay the taxes due in April before the 25th of July, as from that clause the greatest inconvenience had arisen. He protested, however, against the sweeping charges and unwarrantable insinuations which were made against the freemen of England by Gentlemen on the other side, who represented an entirely different class of persons.

Mr. *Williams* would not be a party to what the hon. Baronet had so justly designated the unwarrantable insinuations which had been thrown out against the freemen. He had the honour to number a good many of them amongst his constituents, and not one of those persons had ever received a single farthing for his vote. He did not see why a body of electors should be attacked in this way. All those insinuations would better apply to the borough of Liverpool, for which the hon. Member for Wolverhampton was once, he believed, a candidate—and where it was notorious that bribery and corruption had formerly been practised to an enormous extent. He most cordially supported the Bill of the noble Lord, and, by withdrawing the notice which he had on the paper for to-morrow, would give him four months to try to carry his Bill into a law. If, after that time, it should prove to be a failure, he trusted the House would renew to him the motion which they had on a former occasion allowed him to make, to bring in a Bill to abolish the stamp duty on the admission of freemen. Although he supported the present Bill, he had much rather have seen the two questions it comprised introduced in separate Bills.

Lord *Sandon* did not deny that great malpractices had formerly existed in the borough of Liverpool, but he was firmly persuaded that the freemen of that place no longer deserved the imputation which had been cast upon them. Those freemen were generally poor men, and it was because they were poor that he was the more strongly induced to stand up in their favour. He would take this opportunity of noticing a remark of the hon. Member for Finsbury on a former occasion. The hon. Member had charged him with deluding and wheedling the operatives of Liverpool, by pretending a great desire to maintain their electoral privileges. He thought, that that hon. Gentleman had no right whatever to make any such accusation against him. It was quite natural, that the freemen should not be particularly favourable to the opposite side of the House, as hon. Members on the opposite side had taken every possible opportunity to deprive them, by every means, directly or indirectly, of their franchise. With respect to this Bill, he should prefer to see the two questions it contained placed separately upon their own merits.

Lord *John Russell* saw nothing unfair or unkind in that mode of proceeding, which, while it relieved the freemen with regard to the stamp duty, afforded a corresponding benefit to the other electors, through the provisions of the present Bill. Well, but it was said that this measure would not be passed, if it were to confine the advantages proposed to be conferred on householders to that class; that one measure could not pass without another to the same purpose; and that any relaxation of the rules hitherto required to qualify a voter, if made with regard to the householder, should also be followed by similar immunities in favour of the freeman. Now, he did not think that the House should be confined by unchangeable bars within a certain course of legislation, and he was persuaded that if the householders were not permitted to obtain the proposed benefit, there ought to be no legislation at all on this subject. He did not see the advantage of having hon. Members opposite putting their *veto* on measures, unless they were in the precise form which suited their and their friends' nice taste. He would not then enter into any argument on the measure, but merely state the object of the intended relief. Electors, who had paid their rates up to the 5th of April, the first year they became possessed of the franchise would be excused for succeeding years up to the 11th of October if, through any inadvertence or forgetfulness, they had neglected to pay at the prescribed period. Where the solvency was not doubted, it was considered hard that the franchise should be lost merely through an act of remissness. It did appear to him that this was a perfectly fair measure, and he should be sorry to see a stop put to it, as it comprised one of those changes in the Reform Bill which he considered just in principle, and the reasonableness of which was obvious.

Bill read a second time.

NATIONAL EDUCATION (IRELAND).] Mr. Sergeant *Jackson* said, he would take the present opportunity of putting the question to the noble Lord (Morpeth) which he had been prevented from putting at an earlier part of the evening by the intervention of the Speaker. He wished to know, if any, and what steps were to be taken by her Majesty's Government with respect to a very important circumstance connected with the national system of education in Ireland, namely, the exclusion of the reading of the sacred Scriptures from the schools, by which great dissatisfaction was given to conscientious Protestants?

Lord *Morpeth* replied, that steps would be taken which he trusted would have the effect of satisfying the conscientious scruples to which the hon. and learned Gentleman had referred. It was proposed that those children who wished to have the opportunity of reading the Sacred Scriptures should have a separate room afforded them for that purpose in a different part of the school. There were other matters of detail to be adopted respecting the system of Irish education which it was not now material to allude to more particularly, but which, he trusted, and, indeed had little doubt, would be productive of very general satisfaction.

Subject dropped.

THE KING OF HANOVER'S PENSION.] Mr. *Hume* wished to know from the right hon. Gentleman, the Chancellor of the Exchequer, as he had last night stated that the 6,000*l.* a year to Pringe George of Hanover was now to cease, what was to become of the 21,000*l.* granted as a pension to the Duke of Cumberland, who had now acceded to the throne of Hanover?

The *Chancellor of the Exchequer* replied that the pension to Prince George had been of a different description to other pensions. With regard to the 21,000*l.* to the present King of Hanover, it had been granted to the Duke of Cumberland for life— and, like the pension to King Leopold, was not of such a nature as could be withdrawn by any Act of the Government, but only by Act of Parliament. The pension continued to be received by the King of Hanover as it was before his accession to the throne of that kingdom.

Mr. *Hume*: Was it the intention of her Majesty's Government to bring in any Bill to repeal the Act which gave the pension, as it certainly was never granted with the intention that it should be received under such circumstances as at present?

The *Chancellor of the Exchequer* replied, that the Government had no intention to do in the case of the King of Hanover that which they could not do in the case of the King of Belgium. The pension was granted by the law of the land, and he was not prepared to introduce a Bill affecting it.

Mr. *Hume* would bring in a Bill early in February.

Colonel *Sibthorp* wished to know what sums of money had been received by the public out of the pension of 50,000*l.* granted to Prince Leopold, now King of the Belgians?

The *Chancellor of the Exchequer* said, that the conduct of King Leopold with respect to the pension granted to him on his marriage with the late Princess Charlotte was most honourable. As soon as his position with respect to this country had been altered by his accession to the throne of Belgium, he made arrangements for vesting his pension in the hands of trustees. The trustees were Lord Althorp (now Earl Spencer) and the Marquess of Lansdowne, who were to pay out of it certain pensions to members of her late Royal Highness's household, for whom King Leopold thought it incumbent on him to provide. After the payment of those pensions, the sum of 35,000*l.* a-year remained, which was annually paid over to the public, and in this way the sum of 110,000*l.* had already been paid into the Treasury.

Subject dropped.

THE DUCHESS OF KENT.] Mr. *Bernal* brought up the report of the resolution for granting 8,000*l.* a-year to the Duchess of Kent in pursuance of the Queen's Message. On the question for agreeing to the resolutions,

Mr. *Herries* wished to call the attention of the House and of his right hon. Friend the Chancellor of the Exchequer to the position in which her Royal Highness the Duchess of Kent would be placed if a Bill were introduced founded solely on this resolution. The effect of this resolution, if he understood the statement of his right hon. Friend, was, that a sum of 8,000*l.* a-year should be granted to her Royal Highness the Duchess of Kent, in addition to the grants which had already been made to her. As far as he was concerned, he could assure his right hon. Friend that it was not his intention to offer the slightest objection to that part of the proceeding, or to the course pursued by her Majesty's Ministers in this particular instance taken altogether. He thought, however, that his right hon. Friend had, in bringing the subject forward, overlooked an objection which ought to have presented itself to his mind, as it was one of considerable importance. The last grant made to her Royal Highness the Duchess of Kent was in 1831, but he could not concur in the doctrine laid down by his right hon. Friend, notwithstanding his having taken competent legal advice as to the effect of that grant, and acting on the opinion which the law officers of the Crown had given him. His right hon. Friend stated, that the grant made in 1831 was to continue to her Royal Highness the Duchess of Kent and to her executors and representatives after her death, during the life of the Queen. He entertained very great doubts as to the correctness of this proposition, and what he was inclined to think was, that this grant of 10,000*l.* would continue to her Royal Highness the Duchess of Kent only during her own life, provided the Queen lived so long. He was clearly of opinion that by the decease of the Queen, the Duchess of Kent would be deprived of 6,000*l.* of this 10,000*l.* He had advocated the previous grant made to her Royal Highness in 1825. Now, the terms of the Act by which that grant was made were so precise and clear, and lay in so narrow a compass, as to admit of no doubt, and unless he was greatly mistaken, it followed that the sum of 6,000*l.* granted in 1825 had lapsed, and it would be necessary, in order to its continuance during her Royal Highness's life, to go into another Committee, for the purpose of reviving it. The Act to which he referred was the 77th cap. of the 6th Geo. 4th, and the title of that Act expressly stated that "it was an Act to enable his Majesty to grant an annual sum to her Royal Highness Mary Louisa Victoria Duchess of Kent, for the purpose of enabling her Royal Highness to support and educate her Royal Highness the Princess Alexandrina Victoria." In the preamble of this same Act it was further stated that—"Whereas, it is expedient that his Majesty should be empowered to grant to her Royal Highness, the widow of his late Royal Highness the Duke of Kent, an annual sum to enable her Royal Highness to make adequate provision for the support and education of their daughter, her Royal Highness the Princess Alexandrina Victoria," and then it goes on to enact or effect that a sum of 6,000*l.* should be granted by his Majesty to her Royal Highness the Duchess of Kent, for that express purpose. Now, it appeared to him that this grant, so made in conformity with this Act, was made, not only legally, but solely and exclusively for a specific object. That object had been accomplished, and her Royal Highness the Duchess of Kent was no longer burthened with the obligation which the Act imposed on her, and to meet which the grant was made. If, therefore, there ever was a case in which the legal maxim, *cessante ratione cessat lex* applied, this was the case, for it must be obvious to everyone that, with the cessation of the specific purpose for which the grant was made, the grant itself must cease. If, then, the effect of this Act were such as he apprehended it to be, it seemed clear that the change which had taken place in the circumstances of the Princess, now Queen Victoria, would, even with the 8,000*l.* proposed to be given by way of increase, leave her Royal Highness the Duchess of Kent an income of only 24,000*l.* and not 30,000*l.* a-year. If he had understood his right hon. Friend correctly, it was the intention of the Government to give her Royal Highness the Duchess of Kent a clear income of 30,000*l.*, and, for one, he would not object to that grant, but he believed that could not be done without going into a fresh Committee, for the purpose of reviving the grant of 6,000*l.*, with a view to its being continued. He threw out this suggestion because he feared that, otherwise, his right hon. Friend would not be able to carry his own purpose into effect.

The *Chancellor of the Exchequer* thanked his right hon. Friend for the objection which he had stated, and the mode in which he had made that objection. His right hon. Friend was quite right as to the intention of her Majesty's Government. The object which they had in view certainly was to give to her Royal Highness the Duchess of Kent an income of 30,000*l.* a-year for life. There could, he thought, be no mistake as to that, and he must say, that he was glad the proposition had been so unanimously responded to by that House. He was exceedingly happy to know that his right hon. Friend meant to make no objection to it, but, on the contrary, that his suggestion was thrown out for the sole purpose of giving full effect to the resolution of the Committee of last night. He could tell his right hon. Friend, that he had not undertaken to bring in the Bill without previous consultation and advice. Those whom he had consulted on the subject, and he considered them to be fully competent to form an opinion on such a question, informed him that the prior grants were made to her Royal Highness the Duchess of Kent for her life, and therefore, that the grant now proposed to be made to her Royal Highness, was to be regarded only as a supplementary grant. If, then, this were to be considered merely in the light of a supplementary grant, the course which former precedents had pointed ot as proper, was to bring in a Bill to consolidate the whole of the prior grants, and at the same time carry into effect the object which the resolution on which it was founded had in view. Suppose he were right in saying that he had a sum of 22,000*l.* a year under prior grants, then it would follow, that all he need call on the House for was a vote for the difference between that sum and 30,000*l.* a year. He should, however, cause a proper inquiry to be made on the point before the Bill reached the Committee, and this he should do because he was fully aware of the value and weight which ought to attach to the opinion of his right hon. Friend, whose authority on the subject of grants of this kind was so deservedly respected by every hon. Member of that House. It was true that he had obtained leave to bring in the necessary Bill, but, although it would not empower him to ask for more than 8,000*l.*, still, as the blanks were not filled up, he would have an opportunity between this and the Committee of ascertaining whether the suggestion which his right hon. Friend had thrown out was well founded or not. If it were well founded, all he could say was, that he should not hesitate to move for a new Committee, but, if it were not, the House would have the power of carrying the intention of the resolution into full effect by filling up the blanks themselves.

Mr. *Goulburn* did not rise to object to the additional grant; on the contrary, he concurred in its propriety. As, however, her Royal Highness the Duchess of Kent was no longer called upon to provide for the support and education of her illustrious daughter, Queen Victoria, he wished to know whether the sum which had been allowed her for those purposes hadbeen paid to her Royal Highness the Duchess of Kent since the accession of her Majesty to the Throne. [The *Chancellor of the Exchequer*: Certainly.] If such had been the case, it was only right that they should see whether the course which the right hon. Gentleman opposite was pursuing was the regular one or not.

Mr. *Grote* took that opportunity of saying a very few words with which if he had been in his place last night he should have troubled the House. If he had been present he should certainly have felt it his duty to express his concurrence in the views of the hon. Member for Kilkenny (Mr. Hume), although he believed what his hon. Friend had stated did not meet with the general approbation of the House. It did, however, appear to him that the proposed provision was not justified on good and satisfactory grounds. He could not help saying, however unsuitable the statement might be to the judgment of most Gentlemen in that House, that his opinion was confirmed by those with whom he had communication out of that House, and, he believed, by many persons throughout the country. When he looked at the present income of her Royal Highness, which was 22,000*l.* a-year, and found that an addition of 8,000*l.* was proposed to it, he really could not see sufficient ground for making an additional charge to that amount on the people of England. If he could allow himself on this occasion to be swayed by respect and esteem for the character of her Royal Highness, undoubtedly he should readily accede to this grant, and even a much larger one; but he maintained that his judgment of the personal character of her Royal Highness should not prompt him to give her unnecessarily an additional income, and ought not by any means to form the leading consideration in determining his vote. He was sure that so far as the incomes of those who composed the royal family were concerned allusion to personal character had been generally disclaimed, and decidedly never made a leading ground for deciding the vote of the House. When, too, he considered that in the present situation of her Royal Highness she was relieved from a large outlay, he could not but declare that the proposition for increasing her income was made at a very unsuitable season. If he had any such connection with any Member of the royal family as would authorize him to tender to them a respectful opinion, he would certainly take the liberty of offering them his humble advice, and of saying that they who were in an exalted position should impose as slight a burden as possible for their support on the people. And he was quite sure that in expressing these sentiments, so far from speaking in a manner derogatory to the esteem and respect entertained towards the royal family, he should be only giving utterance to the opinions of that large portion of the community who entertained those feelings in the very strongest degree. He thought it incumbent on him to express what he had now said, more particularly because he was one of those who took the strongest view of the duty of economising the public money. He often, therefore, felt bound to resist the claims made on the public purse by those who belonged to the middle station, and to that more humble than it. He could not take that course with satisfaction to his own feelings or conscience, unless he was prepared to exercise the same scrutinising investigation into the claims of those who filled an exalted station, and to mete out the same measure towards those in whose favour every respect which could be derived from position was enforced. This grant ought, in his opinion, never to have been proposed, and he felt convinced that it never could be justified by her Majesty's Ministers on tenable grounds.

Mr. *Borthwick* said, that in much of what had fallen from the hon. Gentleman who had just sat down he concurred, but he, at the same time, thought the hon. Gentleman had misunderstood the grounds on which the grant proceeded. The fact was, that it proceeded not on the ground of either respect or esteem, but upon two other totally distinct grounds. In the first place the grant was made as a mark of the country's gratitude to the Royal and illustrious person who had been named, for the admirable manner in which she had educated the Princess Victoria, and for having placed on the throne of Great Britain not only the most accomplished but the most beloved Sovereign of Europe. The second ground was the remembrance which they had of the heavy charge which had been imposed upon her Royal Highness the Duchess of Kent, and the care, pains, and labour which that Royal person had expended on the education which had effected these accomplishments which now adorned their Queen. It was upon these two grounds that he had given his support to the motion of the right hon. Gentleman (the Chancellor of the Exchequer). If the grant had been proposed merely as a testimony of their respect and admiration for her Royal Highness the Duchess of Kent he would agree that it ought not to be granted. He thought it would be a very bad precedent to give the public money away merely out of respect or esteem to individuals, because they held exalted situations, and were placed near the throne; but he must say the case was very different when the grant was made as a mark of the country's gratitude for services so important and so efficiently rendered as those which her Royal Highness the Duchess of Kent had performed.

Mr. *Courtenay* said, that on both sides of the House the real facts of the case seemed not to be understood. The matter was one of simple calculation, and as the right hon. Gentleman the Chancellor of the Exchequer, had apologied for the manner in which he had discharged his duty he (Mr. Courtenay) would not hesitate to supply one deficiency in the statement which the right hon. Gentleman had made. The truth was, that the right hon. Gentleman had not brought the matter forward in a way that was very intelligible. Hon. Gentlemen on both sides of the House seemed to suppose that this was an additional grant of 8,000*l.*, but it was not exactly so, because they ought to take into account the difference of value between annuities for the life of the Queen and the life of her mother. This, according to the ordinary calculations, would give a sum of 30,000*l.* and it was, therefore, clear that the burthen to the public would be diminished to the extent of that sum.

Resolutions agreed to.

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HOUSE OF LORDS,

Thursday, December 14, 1837.

MINUTES.] Bill. Read a second time:—Juries at Quarter Sessions.

Petitions presented. By Lord FOLEY, from Worcester, against the expenses of Private Bills.—By Lord BROUGHAM, from the London Mechanics Institution, for throwing open, free from charge, Public Institutions.

DUCHIES OF CORNWALL AND LANCASTER.] Lord *Brougham* wished to ask the noble Duke opposite (Wellington) whether he had any objection to the accounts which he had given notice he should move for, relative to the Duchies of Lancaster and Cornwall, namely an account of the net ordinary revenue received by the Crown from the duchies for the years 1832, 1833, 1834, 1835, and 1836, distinguishing each year; and an account of the amount of the fines received from the Duchies for the same years, distinguishing each year.

The Duke of *Wellington* said, if those accounts had been produced to the other House of Parliament he could not object to their production to their Lordships; but if they had not been produced to the other House he should submit that those accounts ought not to be produced, because they were of a description that would tend to disclose circumstances relating to that which was undoubtedly private property.

Lord *Ellenborough* said, the information which the noble Lord asked for would be of no value to him, because it would not lead to what he desired to know—namely how much the Crown had to receive in future. He apprehended the account had not been given to the House of Commons. Besides, he apprehended her Majesty had no authority to direct an account to be given of the receipts of his late Majesty. The servants of his late Majesty were, like the servants of any private individual, under an honourable obligation of secresy as to the transactions between them and their employers. There was no authority to compel them to produce those accounts, and he could not help thinking it would be a precedent of an injurious nature to compel their production. With regard to accounts relative to the future, that was a totally different thing, because if her Majesty directed her officers in those Duchies to give an account of the future receipt there could be no objection to that.

Lord *Brougham* said, the noble Baron was quite mistaken as to the use which he was pleased to suppose he (Lord Brougam) would make of them. Seven or eight years ago in the court of King's Bench, the whole mystery of these Courts was unravelled. He must positively confess that without much greater discussion than it was at all likely their Lordships could have on this subject, he could not admit that there was in this country any public department whatever which was not liable to the control and responsible to the authority of the Crown or of Parliament for the management of its affairs. It was said, indeed that the Crown could not compel the authorities of those duchies to render an account of their stewardship, because they were the servants of the late King. He had only to answer, that if the Crown could not compel them Parliament could. He could not understand on what ground it was supposed that these estates should be viewed as private estates. Even if it were granted their legitimate destination was a provision for the heir apparent to the Throne, still it would be necessary that they should be subjected to the control of Parliament.

Lord *Aberdeen* thought that it would be impossible for Ministers to accede to the motion of the noble and learned Lord. If the papers which he called for were granted no Ministry could afterwards refuse to make public all the details which the noble and learned Lord, or anybody else might require to be informed of respecting the affairs of those Duchies. In fact, it would be a surrender of the Duchies, their management, and an amalgamation of them with the other revenues of the Crown. It would be impossible afterwards to draw any distinction between the revenues of Lancaster and the hereditary revenues of the Crown. The noble Viscount opposite had no business to know anything at all about them, in his capacity of first Lord of the Treasury. All knowledge respecting them was sacredly confided to the Chancellor of the Duchy of Lancaster, and if he observed the oath which he had taken and by which he was bound to keep secret the affairs of the Duchy, it would be impossible for the House to obtain the information which the noble and learned Lord required. The House had no power to enforce the disclosures of such particulars. If the precedent was once admitted it must, in common sense, be followed up, and Parliament must take the control of these departments entirely out of the hands of the Crown. But he knew that the noble Viscount at the head of the Administration could advise her Majesty to dispense with the oath of the Chancellor of the Duchy of Lancaster, so as to permit him to disclose the confidential particulars of his department. If that were done in one instance he did not know in what way he could oppose the production of any document, however confidential connected, with these feofs,

Lord *Holland* said, he could receive no dispensation, except by command of her Majesty; and he had no authority to communicate this information either to individuals or to the House. He could not help observing that there was no question before the House, and under such circumstance it was very inconvenient to discuss the matter. He should recommend the House, therefore, to refrain from expressing any opinion, or entering further into the discussion.

Subject dropped.

UNION OF THE BISHOPRICS OF CARLISLE AND SODOR AND MAN.] The Earl of *Ripon* rose, pursuant to notice, to present a number of petitions against the proposed annexation of the see of Sodor and Man to that of Carlisle. Their Lordships were aware that in 1836 an act was passed for remodelling the jurisdiction of certain episcopal sees. One of the recommendations of the commissioners, in conformity with whose report that bill was introduced, was to the effect, that whenever a vacancy occurred in the see of Sodor and Man, it should be united to the bishopric of Carlisle; and the prayer of the petitions which he was now about to present was, that their Lordships should reconsider this law, and should leave to the bishopric of Sodor and Man its ancient and separate jurisdiction. The petitions to which he would first call their Lordships' notice came from the clergy of Chester, the clergy of Wells, the clergy of Winchester, the clergy of Ripon, the clergy of Norwich, and certain inhabitants of Birmingham. He had also three other petitions which could not be said to proceed from persons ignorant of the subject, or who could be viewed as having only an indirect or remote interest in the object which the petitioners were anxious to attain. On the contrary, they came from individuals who, from personal experience and from the situations in which they were placed, were the best and most competent judges of a practical question of this nature. Those persons stated the deep regret with which they viewed the proposition for depriving them of their bishop, and they stated their reasons for wishing the old system to be continued. The first petition was that of the archdeacon and upwards of three fourths of the clergy engaged in the discharge of religious duties on the island—a body of persons well qualified, he apprehended, to judge of the necessity of having a resident bishop, on account of their profession as well as with reference to their constant intercourse with the diocesan. They stated, in the strongest manner, their opinion that this law was not demanded by any necessity, and that, so far from being beneficial, it would inevitably be attended with great practical inconvenience. The next petition was from the gentlemen who practised at the bar of the island. The situation which they held, and the profession to which they belonged, gave them innumerable opportunities of knowing what the bearing of the projected alteration would be with respect to questions of property. They also implored their Lordships to re-consider this important subject. The last petition was one to which he attached very great importance. It was from the inhabitants of the island generally, signed by 1,600 persons, high and low, rich and poor, landed proprietors, merchants, shopkeepers, farmers,—in short, by individuals of every description. Now, he could not conceive a petition that could more reasonably claim serious attention than this, coming as it did from persons who could themselves accurately judge of the positive practical advantage of the existing system. He had heard no representation made that could fairly lead any one to suppose that there was a necessity for the proposed change; and when individuals who were the best judges of the cas expressed themselves decidedly against it, surely it was but reasonable and fair for their Lordships seriously to consider their objections. In the observations which he felt it to be his duty to make he utterly disclaimed any intention of impugning the conduct of the commissioners in making this recommendation. Their duties, however, were specifically confined to England and Wales; and it might be a question, whether it were proper to give effect to a recommendation that did not come strictly within view of the functions of the commissioners as appointed under the sign manual. He knew, however, that the recommendation was contained in their report, and that recommendation had been embodied in a law. In point of fact, the Bishop of Sodor and Man exercised some functions with reference to the administration of certain laws which were very different from any possessed by other bishops. The power which he had was of a much more direct and stringent character than that exercised by bishops in England. This bishopric had existed, as a separate see, for 1,400 years, and was, he believed, if not the oldest, at least as old as any bishopric in the British dominions. Now, he could not perceive on what just principle it was proposed to annex the see of Sodor and Man to that of Carlisle. What, he would ask, was the course adopted with respect to the English bishoprics? It was proposed to reduce the extent of the very large sees, and to increase the extent of the smaller sees, where the duties were not so great. The principle on which these changes proceeded was, to take from the larger bishoprics that which was most inconvenient, and to add to the smaller bishoprics that which was most convenient, with reference to contiguity. This was obviously a beneficial principle, because, though certain sees were increased, and the duties connected with them enlarged, yet the additional distance to which the bishop had to go was not such, considering the facilities for communication, as was likely to diminish the intercourse that ought to exist between him and his clergy. But if they looked to the relative position of Sodor and Man and Carlisle, the very reverse of this principle was acted on, because the two bishoprics were separated by a see. The bishop could not, therefore travel very safely, neither was there any very quick mode of communicating with his clergy when it became necessary. If Carlisle were increased by adding the county of Westmorland, the bishop would in that case, find no difficulty in communicating with his clergy. But how was he to communicate with the clergy and people of the Isle of Man? He could not reside there, that was impossible. He was charged with duties elsewhere, which could not be left unperformed, and he could not be in a situation to discharge the duties which he ought to perform in the Isle of Man, when an ocean was rolling between the two divisions of his see. The local legislature had in the course of the last century, passed an act for the purpose of insuring the residence of the bishop on the island. It was enacted, that if he were absent for more than four months in any one year, except in consequence of illness, he should be liable to a heavy penalty. Now, he would ask, how was it possible, under the altered system, for the bishop to obey that law? It was passed by the legislature of the island, because they thought that the interests of religion would be best served by the constant residence of the bishop; and he would contend, that if the two bishoprics were united, it would be utterly impossible for the Bishop of Carlisle to comply with the terms of that act. He could not, in other words, comply with that provision which the local legislature thought essential to the interests of the Church of England, on the island. He entertained very great doubts whether Parliament could constitutionally abrogate that Act. But if Parliament were called on to interfere, a case of strong necessity ought to be made out before they meddled with the rights of the independent Legislature of the Isle of Man. The law of the island said—"The bishop must reside here;" but the bishop might answer—"It is impossible; situate as I am, I cannot reside on the island." During the short time he was Prime Minister a vacancy occurred in the see of Sodor and Man, when it was urged upon him to make some change in the character of the bishopric. So strongly, however, did he feel the importance of preserving its integrity, that he refused to entertain the proposal, and offered the see to a clergyman of high character, talents, and acceptability as an author, who then refused it, but who now held the bishopric of Chester. On that rev. gentleman declining it, he appointed the present bishop, because he knew his zeal, his acquirements, his determination to discharge to the utmost the sacred duties of the episcopal office; and he could now refer with confidence to the success and advantage which had attended his efforts. The great evil felt in the island was the want of churches. The people themselves being poor, their means of contribution were of course very small; and the present bishop by his personal exertions had been enabled to raise, through an appeal to the benevolence, piety, and charity of his friends in England, between 8,000*l.* and 9,000*l.*, and in the parishes of the island nearly 4,000*l.* to be applied to the increase of church accommodation. Several additional churches were built, some were enlarged, and others in a state of delapidation were substantially repaired. Such had been the success which had attended that part of the present bishop'slabours. Then as to another point—nobody could doubt the importance of education in an island situate like that of Man. Bishop Barrow had left out of his own resources a sum of money to be invested in land for the purpose of providing gratuitous education to a limited number of persons desirous of being brought up to the Manx church. The land having considerably increased in value, the bishop thought it advisable to endeavour to augment it by contributions among his private friends, and accordingly, 6,000*l.* having been collected, a college was established in the island, where 200 persons received, without any religious test or distinction, the benefits of a liberal and excellent education. Without any considerations of personal interest, the present bishop, out of his very limited income, had himself subscribed 1,200*l.* On these grounds he asked, could it be doubted that the island had received the most substantial benefits from the residence and personal ministrations of the bishop? But the chief ground, he was aware, for merging the bishopric of Sodor and Man in the see of Carlisle was, that while the episcopal duties might be sufficiently well performed by a partial residence in the island, the revenues of the see might most appropriately and usefully be applied towards the maintenance of an archdeacon, and in augmenting the income of the poorer clergy. He was ready to admit, that the poorer clergy were most inadequately paid, and that some measures should be adopted in order to increase their personal comforts. But that object could, he maintained, be effected by other means, altogether unobjectionable, without violating any principle, and in perfect conformity with the wishes, feelings, and asserted interests, of the people of the island, without touching or alienating the revenues of the bishopric. The clergy themselves, whose stipends would be increased by the plan of the Commissioners, used these words in their petition—" As to enriching the parochial clergy by the spoils of their bishop, your petitioners dislike the principle and dread the example. They affect not, indeed, to conceal, that the vicars are in straitened, in lamentably straitened, circumstances, from which they would gratefully accept honourable relief; but they disclaim any wish to accept temporal relief at the expense of spiritual loss." Such were the sentiments of the clergy themselves with respect to the proposed mode of granting them an augmentation of income; but did there not exist the means of increasing their comforts without depriving them of their bishop? The island contained seventeen parishes, some of them very large and populous, of which thirteen were in the gift of the Crown, and four in the gift of the bishops. Of the thirteen there were no less than seven in which the Crown was not only patron, but lay impropriator of the great tithes, the clergymen in those cases deriving their support from the small tithes and a fund created a long time since by the bounty of Bishop Barrow. He did not see why his noble Friend at the head of the Government should not advise her Majesty to apply to the maintenance of those poor vicars the amount of the great tithes, 800*l.* a-year, or at least a portion of it. If he hesitated to give the whole, 518*l.* of the 800*l.* would raise them all to the moderate sum of 150*l.* a-year and no more. He could not conceive any objection, in feeling or in principle of any kind, to so moderate and reasonable a proposition. The bishop as a patron of four, received the great tithes, and would not be backward in increasing the incomes of the clergy to a corresponding amount. He was authorised to say so on his behalf. He was prepared, at once, if the bishopric were preserved, to contribute out of the tithes he derived from those four parishes an equivalent sum, so as to raise the incomes of the vicars to the 150*l.* a-year. A considerable sum, amounting to several thousand pounds, had also been placed in the hands of the bishop without any express direction as to the mode or object of its appropriation, which, on the condition of maintaining the bishopric, he was ready to apply to the same purposes. He begged pardon for having taken up so much of their Lordships' time; he hoped, however, he had said enough to induce the Government or the Commissioners to reconsider this case. A re-consideration of it in some shape was inevitable, for the law could not execute itself, there being no provision in the Act making over the temporalities of the bishopric, if it should be merged in that of Carlisle, to increase the vicars' stipends.

The Archbishop of *Canterbury* did not think it necessary, from the tone which the noble Earl had adopted throughout his speech, to enter at any length into a vindication of the course which the Commissioners had pursued; at the same time, he felt bound to state the simple grounds on which the Commissioners had acted. Among the various duties imposed on them was that of considering the best means of obtaining a more equal distribution of the episcopal duties; and while, on the one hand, there were dioceses comprising from 1,000 to 1,200, and 1,400 livings, with a population amounting, in one instance, to 2,000,000, and in two others to 1,500,000; and, on the other hand, a diocese of seventeen parishes, with a population, at the utmost, of 45,000 by the last census—he did not think they would have executed the duties assigned to them, if they had proposed no alteration with respect to that small diocese. The high antiquity of the bishopric had been brought forward, but in its present state its antiquity was by no means so great as had been represented. It had existed in its present state only 400 years, as confined to the single island; for the 1,000 years preceding, it formed part of a very large diocese, which combined the Western Isles of Scotland. He was ready to admit the see of Man had given many distinguished names to the Church; and from the zeal and liberality of the present bishop, he was not surprised the inhabitants of the island were anxious to retain him amongst them. But, making every allowance, he thought the Commissioners would not have been justified in passing over so small a bishopric, without recommending some such alteration as had been proposed. The noble Earl had made a proposition, by which the clergy of the Isle of Man would receive 150*l.* per annum, without touching the revenues of the bishopric; but if it were acted upon, he did not think they would be adequately provided for. The objection to the existing arrangement, on the ground of the non-residence of the bishop, was not, in his opinion, tenable; inasmuch as communications were now made by the clergy, through the archdeacon, to a higher authority. As it appeared to him, then, the present plan, as far as it went, was a very good one. In some of the petitions presented by the noble Earl, he was sorry to be obliged to say, the conduct of the Commissioners was represented in rather an invidious manner. They spoke of the bishopric having been abolished in terms which implied that the Commissioners had acted without having any other object in view than its extinction. But it was impossible the Commissioners could have had any interest in proposing such a measure. True it was, that the bishopric itself was extinct, but then the jurisdiction had been transferred to another see, and so far existed, as in every other case where two bishoprics had been united, and held by one Bishop. That, he apprehended, was no very uncommon thing. There had been sufficient time between the period at which the report of the Commissioners had been laid on their Lordships' table and the passing of the Act for proposing any alterations that might be deemed useful; but now that the Act was in force, and after it had been deliberately discussed and agreed upon by their Lordships, he thought it would be attended with inconvenience to alter it. Whether, however, that law should be continued in force, or whether they adopted the plan proposed by the noble Earl for the relief of the clergy of the Isle of Man, he should be exceedingly sorry to see them left in their present state of poverty and destitution.

The Bishop of *Chester* said, the strong feelings of the inhabitants of the Isle of Man ought to be taken into consideration by their Lordships. He was also of opinion that great inconvenience would arise to the bishop out of the union of the two bishoprics.

The Bishop of *London* observed, that the proposal of the Commissioners for the extinction of the bishopric of Sodor and Man having been termed an innovation, he begged to say that such an accusation was unjust. So far from its being an innovation, their Lordships were aware that there had been repeated instances of the union of sees, either from their poverty, the proximity of the churches, or the paucity of the inhabitants, and that these could not be termed innovations. The union of Bristol and Glocester, for instance, was now generally approved of, although inconvenience had been for some time felt, as at present by the inhabitants of Sodor and Man, at the loss of their bishop. He thought, therefore, that the Commissioners had nothing to reproach themselves with either in point of principle or effect. The union of Sodor and Man had been advised by no less a person than the late Archbishop of Canterbury, than whom there was no one more competent, from his extensive knowledge of the subject, to give an opinion on it. The objection on the ground of personal inconvenience to the bishop to whose see that of Sodor and Man was to be united was, he conceived, to be met by the fact that intercourse by post could be sufficiently precise, accurate, and effective, to prevent the necessity on the part of the bishop of visiting those islands.

The Bishop of *Salisbury* observed, that, conceiving as he did that a clear and decided advantage should be shown to have resulted, and to be likely still to result, from the recent change to induce them to continue it, and seeing that a strong, and, he believed, a general feeling prevailed amongst the clergy on the subject, he would recommend to their Lordships, and to those in particular with whom the plan emanated, to take the whole matter again into their consideration.

Petitions laid on the table.

MUNICIPAL OFFICERS' DECLARATION.] The Marquess of *Lansdowne* rose to move the second reading of the Bill for the relief of Quakers, Moravians, and Separatists, which had been sent up from the other House of Parliament. He should perhaps, best consult their Lordships' convenience, after the discussion which had taken place, if he confined himself to a very few remarks. As far as he had been able to ascertain, he did not apprehend that there would be any objection offered to the principle of the measure by any of their Lordships; but if there should be any noble Lord who might consider it either not sufficiently comprehensive, or too much so, the most convenient stage for stating his objections to it would be in Committee. He would therefore merely state, that the object of this bill was to extend to the particular sects enumerated in it the benefits of the act of George 4th commonly called the act for the Repeal of the Test Acts. To the declaration prescribed by that act certain of those sects entertained conscientious scruples which excluded them from the benefits of it; or, to speak more properly, the community had, in consequence thereof, been deprived of the services of those individuals in particular municipal offices to which they might otherwise have been elected. Happy as he should be, and happy and desirous as he was sure their Lordships would feel, to extend to any respectable portion of her Majesty's subjects any such benefits they might seek to obtain, it was not upon that ground so much that he recommended this bill to their Lordships' favourable consideration, as upon the ground of the benefits to be derived by the community at large, by enabling all capable persons to discharge civil duties, and more particularly that class of duties to which this bill related, namely, those of municipal offices. In the bill recently passed on that subject, the liability of all abuse was guarded against in the discharge of those municipal duties, and he certainly did not think they were of a nature so peculiar as that they should not be accessible to all classes of persons, who were qualified by virtue and morality to discharge them, if called upon. The chief objection entertained by that large body of persons, commonly called Quakers and Moravians, and also by those called Separatists, was, that they considered the words of the declaration described by the act as being too much in the nature of an oath, and therefore creating in their minds conscientious scruples. The words of the declaration were, "I solemnly, sincerely, and in the presence of God, protest, testify, and declare upon the true faith of a Christian, that I will, &c." It was proposed by the bill to substitute another form of declaration, which would be free from the objection alluded to. It would contain an assurance in every respect as effective, but would exclude the obnoxious words.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, December 14, 1837.

MINUTES.] Bill. Read a second time:—Duchess of Kent's Annuity.

Petitions presented. By Lord SANDON, from Liverpool, in favour of settling the Danish Claims.—By Mr. CAYLEY, from a parish in the North Riding of Yorkshire, in favour of Vote by Ballot.

EAST INDIA PRIZE-MONEY.] Mr. *Hume*, seeing the right hon. Gentleman, the President of the Board of Control, in his place, was anxious to put to him a question in which a great many individuals were interested. It was a repetition of the question which he put last year, namely, as to when it might be expected those persons who served in the last war in India would receive their prize-money? He hoped he would receive a satisfactory answer, as he had every week three or four applications on the subject from pensioners who were advanced in years, and to whom this money was a great object.

Sir *J. Hobhouse*, in reply to the question of his hon. Friend, had to state that a year ago the Committee for the distribution of the prize-money notified that from that day the distribution of it would begin to the officers and privates in India; and just at this time a notification had been issued naming all the European officers and men who, after those in India had received the share due to them, would be able to receive theirs in England. But his hon. Friend must perceive that some time would necessarily elapse in the transmission of the names from England. He could assure his hon. Friend, that he was extremely solicitous that a settlement of these claims should take place at as early a period as possible; and in August last the court of directors and himself sent out a despatch in which they urged the necessity for a speedy distribution of the money, and expressed their regret that there had been any delay that had the appearance of being unnecessary. He hoped that his hon. Friend would consider this explanation satisfactory.

Subject dropped.

Negro Apprenticeship.] Mr. *Baines* wished to ask the Vice-President of the Board of Trade in his place, as he had been chairman of a Select Committee which sat last year to inquire into the system of negro apprenticeship, how it was that the evidence taken before that Committee had been communicated in the West Indies, while it had been thought advisable to withhold it from that House?

Mr. *Labouchere* could assure the hon. Gentleman that he was in no way implicated in the matter. That Committee had decided that the evidence should not be reported to the House, and he had not communicated it to any party. Certainly some complaints had reached him of that evidence having transpired in the West Indies, while it was the fact that it had not been communicated to the House. Now he would bring something to the hon. Member's recollection which might account for the matter. The hon. Member would recollect it was proposed and carried in Committee, with no other dissentient than himself (Mr. Labouchere), that those parts of the evidence which bore on the conduct of particular planters should be sent out to them. The resolution was supported by Mr. F. Buxton, by the hon. Member for Leeds, and those Members who thought with them. He had been no party to communicate that evidence, except in so far as he had been directed to do so by the Committee. On the contrary, one of the grounds of his objection to the resolution was, that the evidence might transpire and give rise to some such misconceptions as appeared to have taken place. He hoped that the answer would be satisfactory to the hon. Member, and that he would acquit him (Mr. Labouchere) of any underhand conduct in the matter.

Sir *G. Grey* denied in the most unequivocal manner the charge that had been made against him at a public meeting in London, that he had surreptitiously transmitted this evidence through Mr. Burge, the agent for Jamaica. He denied the accusation that had been made against him; but he was sorry to say that it was only one among many to which he had been subject.

Sir *G. Sinclair* felt convinced that it was quite unnecessary, as far as the House was concerned, for the hon. Member to make the denial.

Mr. *Baines* was quite aware of the answer that would be returned when he put the question; but, finding that there had been circulated through the country a report very much to the disadvantage of the Colonial-office, he was determined that an opportunity should be given for the correction of that report.

Subject dropped.

Access of Parents to Children.] Mr. Sergeant *Talfourd* rose and spoke as follows:—As the bill which I am about to request leave to introduce is the same in substance with one which was read a second time last Session, I might, perhaps, venture to anticipate that there will be no objection to its introduction now, and might content myself with simply naming it. But as the subject then passed without development on my part, or discussion on the part of the House, and as the actual bearing of the law which I seek to alter may not be familiar to the minds of those who are fortunately strangers to the circumstances to which it applies, I think it better in this stage to ask the indulgence of the House for a short time while I state what the grievances are which I shall call on them partially to redress. The subject has reference to the rights of parents in relation to their children, when the natural state of joint superintendence and protection is broken by unhappy differences, which compel or induce them to separate, without involving any breach of the marriage tie on the part of the mother. Many, I believe, there are who pass their years in the tranquil enjoyment of domestic happiness, uniting their exertions to mould the character and contribute to the innocent delights of their children, and sharing in the requital which expanding intellect and ripening affections reflect back upon them, from whom the stern power with which the law arms one of the parents is veiled by the gentler influences, or who, if they have learned its existence, regard it as a dead letter. They may have heard that by the law of England the custody of all legitimate children from the hour of their birth belongs to the father, but they will be startled to learn what is the situation of the mother with respect to them, if circumstances, however urgent, should drive her from his roof, or to what moral torture she may be legally subjected even if she should linger beneath it. Not only may she be prevented from bestowing upon them in their early infancy those solicitudes of love for the absence of which nothing can compensate—not only may she be prevented from tending upon them in the extremity of sickness, but she may be denied the sight of them; and, if she should obtain possession of them, by whatever means, may be compelled by the writ of *habeas corpus* to resign them to her husband or to his agents without condition—without hope. That is the law—at least such is its recent exposition by the highest authorities; and how is it enforced? By process of contempt, issued at the instance of the husband against his wife, for her refusal to obey it, under which she must be sent to prison, there to remain until she shall yield or until she shall die. And let it not be supposed that this law is one which is rarely brought into operation. The instances in which it is brought before the public cognizance may be few, but it is ever in the background of domestic tyranny, and is felt by those who suffer in silence. There are, however, examples which are recorded in our law books—cases in which all the miseries of public exposure have been already endured, and the parties are beyond the reach of their renewal—to which, and to which only, I shall allude in detail, and which sufficiently exemplify the workings of this hideous injustice. One of these cases is that of the King *v.* De Manville, reported in 5 East, 221, which related to a female child, of eight months old, receiving nurture from its mother. She was an Englishwoman, who was, unhappily, married to a foreigner, who had quitted him after gross ill-usage, and who had quitted him taking her infant with her. The husband, by stratagem or force, obtained admittance to the house where she had taken refuge, seized the child at the breast, and carried it off, almost naked, in an open carriage. As the child had been violently removed she applied for a writ of *habeas corpus.* The case was heard on her own statement, as the Court of King's Bench were so clearly of opinion against her that they did not hear the affidavit of the husband in answer, and refused the application, as it did not appear that the child was physically injured for want of nourishment, nor that the husband intended to take it out of the kingdom. And though the Court of Chancery subsequently restrained the father from taking the child abroad, it was wholly without reference to the mother's claim. In Skinner's case (9 Moore, 278) the husband had treated his wife with barbarity; they were separated, he cohabited with a woman named Deverall, and his child of six years of age remained in its mother's care. He sued out a writ of *habeas corpus* to take it from her, and on the case being heard before Mr. Justice Best, then one of the judges of the Court of King's Bench, a recommendation was made that the rigour of the law should not be enforced, and the child was, by arrangement of the parties, placed in the care of a third person agreed on by them. From this person the father took it by fraud, and gave it into the care of the woman with whom he cohabited, while he himself was a prisoner for debt in Horsemonger-lane gaol, to which place this prostitute resorted with the child. In this state of things the mother applied for a writ of *habeas corpus;* the case was heard and the court ordered the child to be delivered to its father. In M'Clellan's case (1 Dowling's Practical Cases, 81) the child had been placed at a boarding-school by her father; the mother removed it thence because the child was in declining health, and afflicted with a disease by which she had already lost an elder child, and yet Mr. Justice Patteson said he had no option but to take it from her—he, one of the kindest and most simple-hearted of men, feeling himself compelled to deny to a mother, whose anxieties had been sharpened by the loss of one of her children, the mournful pleasure of watching over the survivor affected by a similar disease. "It might be better (said that learned and excellent person) as the child is in delicate health, that it should be with the mother, but we can make no order on that point." The last case, in which all the authorities were reviewed and the law solemnly declared by the judges of the Court of King's Bench, is so recent that although its details are published in the Law Reports I will only advert to its outline. It was the case of a *habeas corpus* issued by the father; the mother was admitted to be entirely spotless, and the writ sought to compel her to deliver up three little girls all under six years of age; the infants were brought to the chambers of Mr. Justice Patteson, and, after most strenuous attempts to medate between the parties, he made an orderifor the delivery by the mother to the father. That order was brought before the judges of the Court of King's Bench; by them it was confirmed; by them it was enforced by process of contempt, under which the poor woman must have given up the children or have gone to prison for life, but that she withdrew them from the country became an exile, and, unless happier counsels have since prevailed, retainsthem in spite of the law. Such is the last decree of the courts of common law—a decision not only honestly but most reluctantly pronounced; but which, I own, seems founded on a rotten or artificial process of reasoning. The father is by law entitled to the custody of his child; all other custody, unless sanctioned by him, is illegal. The illegal custody of a child incapable of personal choice is tantamount to its imprisonment; and as the writ of *habeas corpus* lies to deliver the subject from illegal restraint, it lies to take a baby from the breast, to deliver it into the freedom of such custody from the prison of its mother's arms. I cannot help attributing the tone of some of the judgments which may seem counter to the strength of the feelings which it was necessary to subdue to the fear that if nature were suffered to interpose, the chain of argument would be severed, and the legal spell dissolved. This, however, the judges of the courts of law have decided, and have felt unequal to mitigate the judgment by any allowance to the mother; holding with Mr. Justice Blackstone, that a "mother, as such, is entitled to no power, but only to reverence and respect," enforcing the father's power, and having none to render the mockery of reason productive even of compassion. The Court of Chancery, it might be thought, whose jurisdiction is supposed to relax some of the rules of law, could relieve, because it does in some instances interfere with the father's power; it does so, but never on behalf of the mother. There are well-known cases in which, where children by reason of property have been made wards of that court, the father's power has been controlled, and, therefore, it cannot be objected that paternal rights, are, in their nature, too sacred to be subjected to the interference of judges; but while proofs of gross profligacy or even unhappy religious opinion have been thought sufficient to take the children from their father, no regard has been paid to the mother's claim even to be permitted to see them. The case of Ball *v*. Ball, decided by Sir Anthony Hart in 1827, in which reference is made to the antecedent authorities, at once illustrates the evil, and points to the remedy I seek to apply. In that case, a petition came on to be heard before the Vice-Chancellor, on behalf of a lady named Ball, and her daughter, a girl of fourteen years of age, her affidavits disclosing conduct of great immorality and violence by the father, which rendered it impossible for his wife to resort to his House. The lady offered to support the daughter out of her own funds, and prayed, if the daughter could not be permitted to reside with her, at least some access of the mother might be secured. The Vice-Chancellor at once rejected the first part of the prayer, asserting that there was nothing alleged to contravene the father's right to the custody of the child. He was then pressed to grant the other and far inferior prayer—a right of access at reasonable times—the question being stated to be this: "Whether a child is to be deprived, by the brutal conduct of the father, of the company, advice, and protection of the mother, against whom no imputation can be raised?" This is the material part of the Vice-Chancellor's answer to this appeal:—

"Some conduct on the part of the father with reference to the management and education of the child, must be shown to warrant an interference with his legal right, and I am bound to say, that in this case there does not appear to me to be sufficient to deprive the father of his common-law right to the care and custody of his child. It resolves itself into a case for authorities, and I must consider what has been looked upon as the law on this point. I do not know that I have any authority to interfere. I do not know of any case similar to this which would authorise my making the order sought, in either alternative. If any could be found I would most gladly adopt it; for, in a moral point of view, I know of no act more harsh or cruel than depriving a mother of proper intercourse with her child. I was myself counsel in two cases in which Lord Eldon refused petitions precisely similar. 'Smith *v.* Smith,' one of them, was precisely similar in its parts to the present case, except that the father's object there was to compel the mother, by such means as are now complained of, to give up to him some property which was settled to her own separate use. My course of argument in that case was, that as the law allowed the mother of bastards to retain possession of their children till the age of seven, *á fortiori*, must the law allow the case of legitimate children to be vested in the mother (the child in that case was under seven). The Lord Chancellor, however, refused the order, and before any further proceedings were had, either the mother's or the child's death terminated the question. That was a very strong case, yet the Lord Chancellor held that the court had no jurisdiction."

When Mr. Justice Patteson truly stated "The Court of King's Bench has authority to restore to a father his rights, but has no power to compel a father to perform his duty," one might have hoped that in another court some counterpower might be found: but there is none; and though such gross immorality as may infect the mind of a child, who has property to make him the subject of the Lord Chancellor's protection, may be the ground of removing him from the curse of his father's example, nothing can afford him the blessing of the care of a mother who retires from that father's house. Now, Sir, I only seek to do what the Vice-Chancellor would have gladly done in this case—to confide to the judge at law and in equity the discretionary power of so far mitigating the law which enforces the right of one parent to refuse to the other access, at fitting seasons, to a child of tender age from whom she is divided by unhappy differences with its father. When I think what natural justice requires, I feel ashamed of the slender palliation which I propose, and I own that I should rejoice if I could effect the transfer of the right of custody of children in their earliest infancy, especially female children, from the father to the mother, and engraft the exception upon that altered rule. But the length of time during which the father's paramount right has been recognised by our law, the various fibres by which that power is entwined with our social system, and the difficulty of enabling any court to deal with the property essential to a child's education and maintenance, restrict me to the simple palliation which I ask you to concur in granting. Where is the objection in principle, where the difficulty in practice? In a case before Lord Mansfield—that of Mr. Lytton—where by articles of separation the husband had bound himself to allow the access of the wife to his child, that great judge, admitting that the court could not at any age take a child from its father, said "that as the father had constrained himself by articles to let the mother have access to the child if he chose to take it home he must permit access for the mother to it there." I only ask this most reasonable condition, implied, on behalf of an innocent mother, and the order of the Lord Mansfield is precisely that which I ask the Legislature to sanction. In several cases of this painful description the courts have succeeded in inducing the parties to consent to such arrangements; but experience shows that consent is often asked in vain, and that in mercy to both a power ought to be invested somewhere which may compel that which every judge has desired to induce. In matters which involve only considerations of interest—how falsely fancied to supply the strongest motives to human action!—you may indulge a reasonable expectation that opposing parties will consent to arrangements which are obviously for their mutual good. But you can justify no such confidence in cases of opposing passions—in cases where the dearest relations of life and the affections are armed against each other—where the animosities are not those scarcely worthy of the name—the result of transitory petulance, of party strife, of seeming rivalry, of social misunderstanding, the empty shows and "unreal mockeries" of hatred, which melt and vanish before a touch of kindness—but those hatreds which arise out of the depths of love; and which are fed by pleasant remembrances and by hopes for ever crushed, and which in their very bitterness vindicate the power and the immortality of the affections out of which they sprung. Experience has shown that parties who are thus placed in unnatural opposition can rarely be conciliated in a moment, or induced to listen to reason; and it is almost as much for the benefit of the stronger party as of the weaker that authority apart from either should mitigate a claim which if strained to the utmost must break. A husband who has consented to the extreme measure of suing out a writ of *habeas corpus* to compel his wife to render his children to his charge, and who must either lose them or enforce his right by sending her to prison, seems to me scarcely less an object of compassion than she whom he pursues; and, therefore, I propose to give to him (leaving his greater right untouched) the opportunity of resorting to the gentler course which is open to the woman. As in the last case, in point of date, if he proceed to extremity he will only obtain a fruitless and a miserable victory. Let the judge award him his writ—let them order his wife to resign her infants unconditionally to his care—let them direct the attachment to issue. A mightier power than theirs—a power against which senators, legislators, and judges decree in vain—the power of affection in the human soul, and the answering sympathy in all who share it—will set at nought their processes, and make them acknowledge what Milton calls "the irresistible might of weakness." But it is not to these extreme cases (in which despair has made a feeble and timid woman bold) that the present law is most to be dreaded. It is the silent operation of its power—the threat which the husband dares scarcely utter—by which he may compel an innocent wife to resign property, or to submit to disgrace, on pain of being excluded for ever from the sight of those who are dearer to her than life. It is in instances in which the sufferer endures unseen, that it is chiefly felt, as a matter of moral torture playing on the finest nerves of agony—

> "as on joint and limb
> With answerable pains, but more intense."

In palliation of these miseries, I do not seek to alter the law of England as to the father's right—I do not ask you to place the unspotted matron on a level with the frail mother of illegitimate children, who is by law entitled to their custody while of tender age—I do not seek to restore to infants those habitual influences of maternal love which, through all classes of society, mould the early affections to value, and are now felt and blessed in its most exalted region; but I do ask some mitigation of the mother's lot—some intervals in which forsaken nature may be cheered and waning strength repaired by the sight of the objects of farlooking hope—some slight control over the operation of that tyranny which one sex has exerted over the helplessness of the other. With these feelings I move that leave be given to bring in a Bill to provide for the access of parents who live apart from each other to their children of tender age.

Mr. *Leader:* I have great pleasure in seconding the motion of my learned Friend. In his admirable speech he has shown what the law now is upon this subject, and where it is peculiarly harsh and cruel. No man who has given this subject the smallest consideration can deny that the law requires some alteration, if in making and executing laws regard should be had to common sense, and justice, and humanity, and if in those laws especially which relate to the intercourse of the sexes, fair protection should be afforded by the stronger sex, who make the laws, to the weaker sex, for whom the law is made, who have no voice whatever in making the law, whose interests are entirely in the hands and at the mercy of the law-makers, and who, having nothing to do with the law but to obey it, ask merely for protection against the cruelty and injustice which may be (and I grieve to say is too often) perpetrated by a brutal tyrant, fortified by the letter of the law. As it stands at present, the law is entirely in favour of the husband and oppressive to the wife. A man who may be drunken, immoral, vicious, and utterly brutalized, may place his wife, who seeks to live separately from him, in this cruel dilemma—"You shall either continue to live with me, or you shall be deprived of your children." The wife, in such a case, has no redress. It may be notorious that she has just grounds for complaint, that it would be misery for her to live with her husband; it may be well known that she possesses her children's sympathy and affection, and that the husband disregards his children, and is disregarded, if not disliked by them. It may be admitted that the wife is the fitter person to have the care of the early education of her children, to form their habits, to minister to their childish wants to soothe them in trouble, and to tend them in sickness. All this may be admitted; but the law sternly refuses to listen to the pleadings of natural sympathies and affections, gives to the husband the charge and possession of the children, and denies even the sight of them to the beloved and loving mother. How many mothers, rather than submit to such a deprivation, are driven to choose the other alternative, and endure a life of harassing ill-treatment and vexation and misery? This is no imaginary case: I know many such cases, which, at this moment, present themselves to my memory. There can scarcely be a Member in this House to whom some such case is not known; there are hundreds of women now suffering in silence, pining for the children whom a stern law has torn from them, now looking anxiously to the decision of this House—now eagerly hoping that the representatives of the people will save them from the terrible alternative which forces them to choose between being the abject slaves of a brutal husband or of being deprived of the very sight of their own children. This is no party question; and I do sincerely hope that the noble Lord the Secretary for the Home Department and the right hon. Baronet the Member for Tamworth will coalesce on this occasion at least, and exert their united authority to induce the House to give that protection to the feeble and to afford that justice to the aggrieved which the learned Member for Reading, in the name of many, too many, of our country women, now prays for at our hands.

Sir *E. Sugden* believed that men had very little notion of the intensity of a mother's affection for her children. But the question to be considered was whether the Bill proposed by the hon. and learned Member would not present a motive to induce separations between husbands and wives. The cases which the hon. and learned Member had cited were cases in which the fault was on the side of the husband; while those acquainted with life must well know that there were many cases in which the faults were on the part of the wife. In a future stage he should take the sense of the House respecting the Bill.

Mr. Sergeant *Talfourd* observed, that the Bill he proposed made no change in the custody of the children, but permitted access to them, and that only to be obtained upon application to the Lord Chancellor, Vice-Chancellor, or some of the twelve judges.

Leave given.

Law of Copyright.] Mr. Sergeant *Talfourd*, in moving for leave to bring in a bill to amend the law of copyright, observed that the Bill he now proposed was in substance similar to that which had been read a second time in the last session. It differed however in two points. The bill of last session was not confined to literary works, but also combined within its objects painting and engraving. It was suggested to him that the clauses referring to these matters only encumbered his Bill. He considered that the law relative to painting and engraving, and especially statuary, was in a most degraded state. When he had carried through the present bill he intended to introduce another, which would consolidate the laws relating to the fine arts. With respect to the second point, international copyright, it had been suggested to him that it could be most safely left in the hands of the Government. He suggested that a power should be given by which the Queen by an order in council, should extend protection to the works of the natives of any country in which protection was afforded to the copyright of British authors. He moved for leave to bring in a Bill to amend the law of copyright.

Mr. *E. L. Bulwer* sincerely thanked the hon. and learned Member for his introduction of such a Bill. He was sure the House could not be aware of the extent to which literary piracy had gone. As soon as a book was published the press of France reprinted it at one-fifth the original price, and the country thus became deluged with foreign piracies. He thought the Government ought to take steps to prevent such occurrences.

Mr. *P. Thomson* said, the hon. Gentleman had acted wisely in leaving the part of this Bill relating to piracies to the Government, which had already taken the matter into serious consideration. He removed many objections to the Bill by confining it to copyrights at home, for the other matter was so mixed up with Custom-house regulations that it was full of difficulties. He trusted, however, that Government would be enabled to succeed, and it had already considerable negotiations going forward upon the subject. He would early after the recess, introduce a measure on the subject, which would, he hoped, insure the result of the explanation he had caused to be entered into with foreign countries, establishing with those countries a reciprocity of interest with respect to copyrights.

Sir *Robert Peel* thought that the hon. and Learned Gentleman had acted wisely in separating that part of his Bill which related to the fine arts from that which applied to authors. He was of opinion that it would have been more convenient to enter into the discussion upon these two subjects as two separate measures; but he was sure that the same principle applied to the fine arts which applied to others. The sculptor and painter were entitled to similar protection. The present state of the law was exceedingly complicated with respect to the right of those parties to protection. At present the rights of the painter and engraver appeared to stand on very different grounds from those of the author. He believed the subject had not been thoroughly inquired into before a Committee, and doubted very much if his hon. and learned Friend's purpose would not be materially aided if he moved for the appointment of a select Committee to consider the question of sculpture and painting. The subject might have been inquired into by some former Committee; but, if not, it was so difficult that they could not approach it without great disadvantage, unless some inquiry was previously made.

Mr. *B. D'Israeli* would be extremely happy if an expeditious and inexpensive mode of redress could be established against the system of piracy that was carried on. He had been requested to give his support to the Bill by some of the most eminent literary characters. It would give him great pleasure if the subject was taken up by her Majesty's present Government, and he would be glad if the law was perfected even under their auspices.

Leave given.

Russia.] Mr. *Thomas Attwood* rose and said, that recollecting how he had been admonished in the course of last Session, he would on the present occasion confine himself to the object of his motion. It was said that we ought not to be surprised at anything in human affairs. Now, he was not so far advanced in life as to be incapable of feeling surprise. He had felt surprised on many occasions, and he certainly felt much surprised that her Majesty's Ministers should have met Parliament, and that neither in the speech from the Throne, nor from any of her Majesty's Ministers since, had they heard a single word respecting the distress that existed amongst the industrious classes. He was also surprised at the indifference of her Majesty's Ministers as to the position which Russia was assuming in the affairs of Europe. They had been engaged in petty discussions about nasty matters that were unworthy the attention of the politicians of a village pot-house; and this, too, while Russia was gathering up her strength to make a horrible war on England at her proper time. He would take the liberty of reading one or two paragraphs from a pamphlet which had been written by an excellent officer, Captain Crawford, respecting the present strength and condition of the Russian navy, In that pamphlet it was stated that Russia had at present, in the Baltic Sea, no less than twenty-six ships of the line, with a proper proportion of frigates and sloops of war, all well manned and instructed in the mode adopted in the English service. The object in bringing forward this motion was to vindicate the honour of England and to see that our interests were not seriously compromised through the supineness of the present Government. The hon. Member read a long extract from the pamphlet referred to, the object of which was to show that Russia had at this moment, besides twenty-six sail of the line in the Baltic, eighteen sail of the line in the Black Sea, whilst England had but seven sail of the line on our own coasts in a state of preparation, and even these were not fully manned. Captain Crawford said, that on seeing this he trembled for the preservation of our ancient sovereignty of the seas. He (Mr. Attwood) did not care whether Russia was our friend or our foe, this he did not take into consideration for a moment, for the moment that any country depended upon the friendship of a tyrant, that moment the people became slaves. The moment that Russia acquired power to injure us, that moment she acquired dominion over us, and yet while this was going on, her Majesty's Ministers Session after Session sat apparently sleeping on the Treasury benches. He had warned them three or four years ago to take care what they were doing about the Russians—that the Russians might be awkward fellows to deal with, and that if they continued to pursue their career of degradation, they would not dare to look an enemy in the face. [*Laughter.*] What did they laugh at, he would like to know? [*Great laughter.*] They might reserve their laughter for a better occasion. They would not laugh when they heard of eighty Russian men of war appearing off the coast of Norfolk, [*A laugh.*] They might laugh, but the Russian navy might appear at the mouth of the Thames, and they had not a fleet to prevent it. "You, Sir, (said the hon. Member, addressing the Speaker)—you, Sir, who are at the head of the people of this country, have not the power of preventing the Russian navy passing through the British channel with a broom at their mast head." He would assert that the people of England last autumn had not the power of preventing the Russian navy from coming with a broom at their mast head and entering the mouth of the Thames, and burning Sheerness. It was very disagreeable to him to have to bring these painful truths before an assembly of Englishmen. He might be told that we had six ships of the line at Lisbon. The ostensible excuse for maintaining so many ships there was to protect the life of the Queen of Portugal; but they did not care so much about the life of the Queen; the real object was to put down liberty, to support despotism and fraud, and to destroy the constitution which the Queen of Portugal had sworn to defend and maintain. But even if they brought home those six ships, they would then have but thirteen, and what could thirteen ships do against twenty-six? A distinguished sailor had told him that as a last resource they might cut away the buoys at the mouth of the Thames, and that then the Russian navy could not enter the Thames, or, at all events, they would not be able to pass Tilbury Fort. They ought to be prepared to meet the Russians every hour. They ought to be prepared to meet France, Holland, and America, combined with Russia. Why not? Ancient quarrels and bitter hatreds and burning jealousies would arise; and France, Holland, and America would be certain to declare war upon us as soon as we were entangled in a war with Russia. England ought, therefore, to be in a condition to crush the fleet of Russia in an instant. The dominion of the seas was their sole hope; it was the patrimony of their fathers, the glorious patrimony which had made England what she was; and they could not preserve England if they lost this patrimony. What had their Saxon ancestors done? They lost the dominion of the seas, and with it their freedom. When the Danes invaded this country our Saxon ancestors lay down on their faces and sung psalms and allowed themselves to be butchered. He hoped he had stated enough to show that the Russian fleet ought to be looked to. He would ask the noble Lord the Secretary for Foreign Affairs one question before he brought forward his resolutions, and that was, whether any steps had been taken by her Majesty's Ministers to prevent the formation of the Russian fleet, or to compel its breaking up? He was not much acquainted with the law of nations, but every tyro in politics knew that if a neighbouring country got up a great army or fleet, it was the duty and right of another nation to go and ask what was the object of this army or fleet, for what it was intended, against whom it was directed, was it against us or our allies? If the answers were not satisfactory, they had a right to break up the fleet or army. He should like to know what representations had been made to the Russian Government about its fleet? This country ought to have prevented the formation of that fleet. He would not trouble the House further on this point, though he might speak for an hour or two upon it. They were told in her Majesty's speech that we had received assurances of continued good feeling and amity on the part of Russia. Why, the robber while he was striving to break into their houses told them he was their friend, that he would not hurt them, but the moment the robber got in he plundered them and cut their throats. He did not put any faith in the assurances of Russian amity. Russia was holding a pistol at the breast of England at Cronstadt. The noble Lord knew well that it was not for any good purpose that Russia had acted as she had. Why had not the noble Lord moved a fleet through the Dardanelles and destroyed the Russian fleet in the Black Sea? The noble Lord, as a Gentleman and as a Statesman, must, he was sure, feel our degradation; and he wondered only that the noble Lord had endured it so long. He felt as deeply as any man could how much the country was indebted to Lord Grey for the Reform Bill, but at the same time he must say that Lord Grey had disgraced England by suffering Poland to be lost, when a British fleet might have saved that country without firing a shot, but by the mere dread of its attack. The Duke of Wellington had begun the system of English degradation. In 1829 he had consented to the peace of Adrianople; in 1828 he had consented to the Russians passing the Pruth, although a word from him would have made them retire to a dead certainty. Although he knew that they had deluded Mr. Canning's Government into the destruction of Navarino, he suffered himself to be soothed by a promise that they would not carry the war beyond the Black Sea. Nevertheless, they did carry the war into the Mediterranean, and blockaded the Dardanelles; and this insult, too, the Duke of Wellington pocketed, when Count Nesselrode had the audacity to assure him that no affront was intended to Great Britain, and that no British vessel which had cleared out before the 24th of October previous should be prevented entering the Dardanelles. Thus the Duke of Wellington suffered the honour and the interests of England to be compromised for a paltry commercial consideration, the whole value of the few ships which had the benefit of this stipulation not exceeding 10,000*l*. Lord Grey followed up the system of degradation, and it appeared to him that Lord Melbourne was destined to complete it, and to make us drain the bitter cup of national disgrace to the last dregs. It was impossible that such a man as the Duke of Wellington should have acted in this way from his own mind, his powers must have been strangled by some deadly influences at home, and similar unholy influences were now strangling Lord Melbourne. He now came to his second subject—the Russian war against Circassia. Some Gentlemen thought that if the Russians established their dominion in Circassia, and, through it, in Persia and Turkey, our Indian empire would be in danger. Now he was at present of opinion that English India could threaten Petersburg much more effectually than Russia could Calcutta. But that might not be his opinion twenty years hence. We could produce 100 millions of subjects in India as faithful and attached to us as any of our countrymen; and if Russia fixed her dominion in Poland, in Persia, Turkey, and Circassia, why might she not create a similar feeling in her own favour there? The noble Lord had declared last year that Russia had no right to blockade the ports of Circassia against English ships. Why, then, had not the noble Lord taken means to break up that blockade? But the true question was not whether Russia had a right, but whether it was our interest that she should occupy that coast? Last year, or any year for the last ten years, we could have crushed Russia; but she was now more formidable, and would every year become more and more so. He came now to the case of the Vixen, which was seized, her captain and crew imprisoned, and no reparation made until they were set at liberty as an act of condescension on the part of the Emperor of Russia. The proprietors of this vessel had asked the noble Lord three several times, whether a blockade existed on the coast of Circassia? The noble Lord made no other answer but to refer Mr. Bell to *The London Gazette*, which, was indeed the only quarter to which a British merchant should refer for such information, and not to the ukases of the Emperor of Russia. Well, Mr. Bell did refer to *The London Gazette*, and there no mention was made of a blockade on the coast of Circassia, and thither accordingly he sent his ship, which, although unarmed, was seized by the Russians, and its crew made prisoners, though the latter were subsequently, as an act of grace on the part of the captors, released. Now he maintained that this seizure, even under the supposition that a blockade did exist at the time, was not justified by the circumstances of the case. He had the authority of Sir T. Hardy for saying that when he commanded the fleet on the South American station, the patriotic fleet being commanded by Lord Cochrane, whenever an English ship approached too near the shore it was warned off before it was attacked; and in cases where a ship was seized without such notice he (Sir T. Hardy) insisted upon its being restored. Now, was England to be bully to the weak, and coward to the strong? He hoped that this was not to be the character of England. He knew that the sentiments of the people of England were with him on this question; but unfortunately, they had no means of making their feelings known throughout the country, and in the face of Europe. The press was notoriously the tool of parties. Some of the papers were the tool of the Tories, others of the Whigs, others of the Radicals; but not one of them was the tool of the people of England—in none of them ever could one word of the real sentiments of their writers be found. Under these circumstances he felt himself bound to stand forward as he did, to awaken the people of England to the dangers and the disgrace which surrounded them; and the culpable neglect of their interests by those to whom the management of their affairs had lately been intrusted. What! were the glories and the laurels which had been handed down to us for seven or eight centuries, won for us by better men than ourselves, to be torn piecemeal from us? Were we who had hurled Napoleon from his throne to stand still and be devoured by the Russian bear? No; he announced it, he predicted it confidently, the people of England would not bear it; and, if they were not righted by others, they would find a way to right themselves. What had David Hume said seventy years ago—a man, by the way, who, though an economist, and a political economist too, and of the same name, was very different from his hon. Friend, the Member for Kilkenny, who was sure to be out of the way whenever anything of importance was going forward. [Mr. *Hume* entered at this instant.] He was glad his hon. Friend had come in; he had been complimenting him. David Hume had said, seventy years ago, that the national debt would be the destruction of England—that the time would come when it would press so heavy as to strangle her—that foreign nations would respect her former glory, and would exercise their encroachments with measured insolence. And yet such was the announcement that the Whigs, aided by the Radicals, made for poor England. He had entertained a great respect for Lord Durham, and, when he went to Russia, thought he was going for something worth having; but he must say, as the mountain in labour brought forth a mouse, Lord Durham had brought forth something less than a mouse. He had brought back shame and degradation to this country. He said, he had settled the question of the Vixen! "Bully to the weak and coward to the strong;"—was this to be the character of England? The base and infernal press, which was talked of as our best possible public instructor, but which he looked upon as the greatest curse we had, and the most infernal deluder upon the face of the earth, concealed all these truths. All branches of it—he did not care who were connected with them—were attached to some party or other, and it was impossible to get the sincere and honest sentiments of any one editor in the kingdom. If they were the tools, not of the Tories or the Whigs, or the Radicals, but of the people, it would not be necessary for him to make these remonstrances; but, as it was, he was compelled to point out the degradation—he meant the danger, for a country like this could not incur degradation without danger. He asked, what efforts had been made to recover the unbought glories of 700 years?—not, indeed, unbought, for they had been purchased with the blood of better men than ourselves. Were we, who had struck Napoleon from the throne, to stand still and be devoured by the Russian bear? There was one other subject which he had to touch upon. It was not seven years since an hon. Member said in that House, that England was bound in recognizances of 800 millions never to go to war again; and another hon. Member said he knew it, and he thanked God for it. He (Mr. Attwood) was inclined to thank God that he had not been behind that hon. Member with a Birmingham sledge-hammer in his hand, or he might almost have been tempted to prevent him from ever thanking God again. [*Laughter.*] What! thank God that we should never be able to defend ourselves! What would be thought of a fat fool, who should go along the Strand with a paper before him proclaiming that his pocket was full of money, and his heart of cowardice, and inviting every one who chose to rob and ill-treat him, as he was determined never to fight or go to law again? What could the fat fool expect but that every thief should rob him, and every scoundrel beat him? He believed upon his honour, as a gentleman, that the bitterest and most remorseless enemies that the industry and honour of England had were the Radicals in that House, although he was one of them; but he hoped he was not quite so bad. He wished for real liberty — not the mere degradation of the aristocracy. He would not give a curse for such liberty as that. The liberty he meant was, neither the degradation of the aristocracy nor the subversion of the monarchy—it was not the pulling down of any class; but the liberty he meant was, the raising up of the lower classes, so that every man might live by his labour, prosperous, happy, and comfortable. The Radicals had some fine notions in their heads, but as to bread and cheese, and life and death, they were trifles to them. He would come now to the treaty of Unkiar Skelessi. This treaty was said to be one of reciprocity—the noble Lord had so designated it on a former occasion; that reciprocity being, that if the Dardanelles should be closed against England in the event of a war, they should be closed against Russia also. This certainly was Irish reciprocity, for it was all on one side. Why, he begged to ask, did not the noble Lord, when he found the Sultan too weak to contend with Russia, and before the signing of the treaty of Unkiar Skelessi—why, he asked, did not the noble Lord take possession of the Dardanelles? Why did he not take up that position now? The French had taken possession of Algiers, upon the ground, as they said, of some quarrel with the Dey; they had also taken possession of Ancona, one of the cities belonging to the Pope of Rome. But what was the real reason why they had possessed themselves of these places?—it was, because they considered them necessary to the interests of France. If, with such an object, the French government had taken possession of Ancona and Algiers, he asked why the noble Lord had not, on the same ground, taken possession of the Dardanelles? The noble Lord might have done so three years ago with six line-of-battle ships, two years ago with twelve, and with twenty he might have possession of that position by the month of April next. With the twenty line-of-battle ships, which would require 20,000 sailors, and with twenty battalions of soldiers, the Dardanelles might be taken possession of by the time he had stated; and if such a course were pursued, it would effectually prevent future aggression against this country, either by Russia, Austria, or France. He came now to the point of the absolute necessity which existed of an increase in the naval force. Well, then, he felt persuaded that, at this moment, there ought to be an addition to our naval force of twenty line-of-battle ships, which would create the necessity for procuring 20,000 sailors. He might, he knew, be told by his gallant Friend near him (Admiral Codrington) that they could not get a sufficient number of men to man a frigate. Why? Because they did not hold out a sufficient inducement in the shape of pay. Let it be announced that the Government was preparing to wage war with Russia, and a more popular war was never yet undertaken; let there be a bounty of *5l.* given to every common sailor, and 10*l.* to every petty officer, and he was satisfied that a force of 20,000 men could be raised in three months. But if they were not successful in obtaining so large a number, let them take half of the present marine force, which consisted, he believed, of 9,000 men, and he thought he should have the authority of his gallant Friend for saying that in a short time they would make excellent sailors. This might cost an additional million to the country; but if it were to cost ten, such a consideration ought to be a secondary one. Of what consequence was the emancipation of the negroes compared to the maintenance of our national character? The motion which he had to move, comprised several questions which he should then submit to the noble Lord (Palmerston). What measure had been adopted by her Majesty's Government to prevent the building and equipment of the Russian fleet at Cronstadt? Was it the intention of her Majesty's Government to give any assistance to Circassia, or to allow Russia to take possession of that important country, which formed the gate to Asia? Was it the intention of the Government to seek no redress for the atrocious insult offered to this country by the capture of the Vixen? Was it the intention of the Government to compel Russia to abandon the treaty of Unkiar Skelessi? The resolutions which he should move in conformity with these questions were, that an humble address be presented to her Majesty, praying that her Majesty might be graciously pleased to make such addition to the royal navy as the vindication of the national honour and the preservation of the national interest shall require under the present circumstances of the country, assuring her Majesty that this House will cheerfully make good the necessary expenses incurred for such a purpose. Next, that an humble address be presented to her Majesty. praying that she be graciously pleased to lay before the House copies of all communications between the Government of this country and Russia with regard to the naval armament of Cronstadt, the war between Russia and Circassia, and the treaty of Unkiar Skelessi.

Sir *E. Codrington* seconded the motion, which he considered one of great importance, and deserving the serious attention of the House and of the country.

He fully concurred in the praise bestowed on the manner in which Captain Crawford had made his observation on the Russian fleet. He had performed the duty imposed on him in a manner which reflected great honour upon him. To the efficiency of the Russian fleet he (Sir E. Codrington) could bear witness. It bore a stong contrast to the condition of the navy of this country, which was in a state much too lowered, and which exposed us to reproach to which we had never been subjected during our history, namely, that we were unable to send forth instantly on the commission of an offence a squadron to repel an insult offered, come from what quarter it might. He held that the navy was treated in a way unbecoming the character of this country, when compared to the favour shown to every other branch of her Majesty's service. In a pecuniary point of view the officers of the British navy were very hardly dealt with; and he was satisfied that, in order to ensure the safety of the country and our dominion over the sea, justice must be done to that class of her Majesty's servants. There was another point connected with this subject to which he wished to refer. So far from blaming Russia for the war with Turkey, he thought she was drawn into that war by the conduct of her allies. Shortly after the battle of Navarino it would be seen by a reference to certain Greek papers, which must be in the recollection of old Members, and which he recommended young Members to consult, that the Emperor of Russia made a proposal that in consequence of the insult to the united flags of England, France, and Russia, if Turkey did not agree to the treaty of London, those three nations would declare war against her. By that proposal Wallachia and Moldavia were to continue in the hands of Russia; and he (Sir E. Codrington) was to have the command of the fleet, and take possession of the Dardanelles. If this agreement had been entered into, the consequence would have been, if they were driven to the necessity of dictating terms at the steps of the Seraglio, Turkey must have ultimately submitted; and, by a provision of the treaty, after that event occurred, each nation was to resume its original position. If Russia had not retired from Wallachia and Moldavia, she would have been compelled to do so by the united force of England, France, and Turkey united. This proposal was not however, carried into effect, in consequence of the spirit which dictated what he should ever consider a most expensive expression to this country—namely, designating the battle of Navarino as an "untoward event." What was the consequence? Why Turkey was allowed to say to Russia, "It is very true that we entered into a treaty with you, but we were always determined to break it when it offered us no separate advantages." He had no doubt that the Emperor of Russia was sincere in his proposal, and his intention was proved by his subsequent acts. The hon. Member who made the present motion had dwelt much on the power of the Russian navy. Why had that fleet been shown to him and to Captain Crawford? Why, to prove the power the Emperor of Russia had in enforcing any measure which he might think proper to pursue over us, who were encumbered with a debt. But ought this country to remain in a supine situation? He contended that we ought to have a fleet which would be fully adequate to defend us against insult. With respect to the difficulty of manning a fleet, he thought it would be easier to procure men than officers. He should conclude by impressing on the House the serious importance of this motion.

Viscount *Palmerston:* I will, Sir, in the first place, answer the questions put to me by the hon. Member for Birmingham before I make the remarks which I consider called for by his motion. His question is, whether any measures have been adopted by the Government to prevent Russia from proceeding with the naval armament at Cronstadt? With regard to the building and equipping of a fleet, no Government can say to another what ships are you about to fit out; but unquestionably one government is entitled to speak to another when raising a considerable force which appears to indicate an intention to give cause of uneasiness to her allies; and, beyond doubt, the presence and equipage of the seamen of the whole of the Russian fleet, as it was collected in the Baltic two or three years ago, called for explanation between the Governments of England and Russia. That explanation was satisfactory as it regarded this Government; and although since that time a large number of vessels have been fitted out for the purposes of review, there has not been any such display of naval force in the Baltic as might be reasonably looked upon as indicating a hostile intention on the part of Russia towards any other power. With regard to the second question, whether it be the intention of her Majesty's Government to give assistance to Circassia, my answer is, that, undoubtedly, we do not mean to interfere in a war carrying on between Russia and Circassia. The next question is, whether Government intends to take any measures for the redress of the alleged insult offered to England by the seizure of the Vixen? It must be fresh in the recollection of the House that I laid the papers connected with this question before the House last Session, showing what had taken place, and proving that Russia had given such explanations of her conduct as ought to satisfy the Government of this country that no further proceedings were called for either by a just regard to the honour of England, or by any claims on the part of the individuals concerned. That ship was not taken during a blockade in the sense used by the hon. Member for Birmingham: it was captured because those who had the management of it contravened the municipal and custom-house regulations of Russia. At a particular period it was impossible to deny that Russia was placed in a position in which she felt called upon to prohibit any vessel from landing her cargo except in a naval dépôt where there was a custom-house. This regulation was violated by the ship in question. The fourth question is, whether we mean to press Russia to abandon the treaty of Unkiar Skelessi? The papers connected with that treaty were laid before the House three years ago; and I can say with reference to it, that it is not the intention of the Government to have recourse to hostile measures to compel Russia and Turkey — two independent powers — to cancel the treaty made between them. With respect to what has fallen from the hon. Gentleman, I shall not follow him in his dissertation on the wars of the Saxons and Danes; nor do I feel it necessary to vindicate the conduct of the Duke of Wellington's Government in the years 1828 and 1829. It is sufficient for me to contend that the Governments of Lord Grey and Lord Melbourne, to which I have had the honour to belong, have not rendered themselves deserving of the censure which has been cast upon them, of sacrificing the honour of England, or of being at all insensible to her interests and independence. Indeed, I think that the statement made by the hon. Gentleman ought to have satisfied him, when he came to reflect on what he said, that the extreme alarm which he expressed could not be founded on good and reasonable grounds; for what was the complaint made in various parts of his speech? He said,

> "I have alone stated what I know will not excite the sympathy of my Radical friends. I am alone in favour of something which the House of Commons, by their attendance on the present occasion, do not seem to approve, and to which those who are present do not appear, by their postures and countenances, to attend to with a very lively interest, or to partake in the alarm which I have expressed. Out of doors no notice is taken of my project by a base, unfeeling, and heedless press, which seems to be unconscious of the insult which is offered to our country. I have no support from the Government of the country, and the people of England do not concur in my remarks."

Why, if what the hon. Member has stated be true — if neither his own Friends, nor her Majesty's Government, nor the press, nor the people entertain the alarm which the hon. Member has endeavoured to inspire into their minds, must not the hon. Member be led on reflection to believe that he himself must have misunderstood the grounds on which his propositions are founded? I will tell the hon. Gentleman, however, that her Majesty's Government, the House, and the country fully participate in the anxiety for the safety and jealousy of the honour of this kingdom which he has expressed in the course of his speech. It is not on principles that we differ; it is on the application of those principles to the circumstances in which we are placed. The hon. Member seems to me to be rather desirous to find out an occasion for war than to entertain any serious apprehension that a war would be forced upon us. Indeed, the hon. Member, feeling, perhaps, the necessity of explaining the reason for going into war with our eyes open, has furnished us with an imitation of the bland and conciliatory temper of a noble Lord who once led this House, and is now a Member of the other House of Parliament, who, it seems, used to accomplish things by his good humour which could not be effected by more vigorous or pugnacious proceedings, and has told us in the best-tempered and civil manner possible, that without any war, but as an act of precaution, we should go and destroy the Russian fleet in the Baltic, then sink the Russian ships that were in the Black Sea and show our friendship to a friendly and allied power, by taking forcible possession of the Dardanelles, and assuring those from whom we seized this position, that we should keep it until they were themselves able to defend it from attack. This, no doubt, is a very tempting way of sliding into war; but still I can't think that there is any necessity for pressing such measures, or that, if adopted, they would lead to the result which the hon. Gentleman so anxiously desires. The hon. Gentleman has expressed, in rather comical terms, his eagerness for the interests of this country. Such is his zeal and devoted attachment to the institutions and honour of the country, that he would sacrifice the House of Commons, the House of Lords, and I understood him to say, even the throne itself; aye, and that he would throw the drop of the national debt into the ocean of oblivion, rather than impair in any way the establishments and independence of the country. When he has made a national bankruptcy, destroyed the Houses of Commons and Lords, and overturned the throne, I should be glad to learn what that remainder of "the honour and institutions" of the country is which the hon. Gentleman would persuade us to go to war to save. Now, as to the Russian fleet in the Baltic, I am quite ready to concede to the hon. Member, as, indeed, the Government acted in some degree on the principles which he has laid down, that England has a right to look with jealousy on a great and ostentatious force displayed on the part of Russia, or any other naval power. That is no proof of hostility on our part; it proceeds from the just regard which a country is bound to pay to its own security; and no country of which the question was asked, "Why make this display—whom are you going to attack; nobody is attacking you, and whom do you threaten?" would construe it as of an unfriendly or unreasonable character. But the hon. Gentleman tells us, that such a naval establishment is required as it would be necessary to maintain, if we were carrying on a war against this or that foreign power. Now that is a doctrine which I do not think wise in itself or prudent to pursue. It is a matter of very nice discretion, and one which should be left to the consideration of the executive Government, which knows the nature of the relations from day to day with foreign powers, to determine in a time of peace, and when there is no immediate prospect (and I trust no prospect at all, as far as I can see,) of a war before us, what ought to be maintained as a peace establishment, so that whilst, on the one hand, we should not be left utterly defenceless and without protection, we should not on the other unnecessarily add to the burdens of the country. Now, the hon. Gentleman must recollect that two years ago his Majesty's then Government proposed, and this House adopted, an augmentation of the naval force; and though we did not state that the display made by this or that power was the cause of that step which we took, yet the Secretary for the Admiralty did very strongly dwell on the armament of Russia, and the periodical fitting out of her fleet, as one of the grounds on which we considered it right to make a change in our naval force. Now, I do not admit that we are in the defenceless position which the hon. Gentleman has represented. I do not admit, if we conceive that Russia or any other naval power had the intention of insulting or attacking us, that we have not in ships now at sea, as well as those which might be sent to sea within a very short period, the means of defending the nation, not merely from aggression, but even from insult. But I think the House will be of opinion that they ought to place at least such a degree of confidence in the executive Government as to leave them on their own responsibility to consider what, under the circumstances, is fair and expedient to propose to Parliament. I say, therefore, with regard to the first point—not at all dissembling, that I think Russia does keep a larger force than is required for the defence of her own possessions, and than is consistent with the general well-being of other nations at peace with her—not at all dissembling, that it is a matter upon which not only the Government but the people of this country should keep a jealous and watchful eye—that having no reason to believe that the intention of Russia is otherwise than friendly towards this country, having reason, on the contrary, to believe (whatever her policy or ultimate intentions may prompt) that she has no wish or design to embark in a war with England, I feel that it is not necessary to make a further increase to our naval force on the ground which the hon. Member has stated. As to the allusion of the hon. Gentleman to the aggression of Russia on the coast of Circassia, the hon. Gentleman must see, in quoting an expression of mine, that if he tax his memory it did not convey the meaning which he asserts it was intended to express. I stated, undoubtedly, on a former occasion what I mean to repeat on the present, that I did not think the claim which Russia had put forth to the Sovereignty of Circassia was warranted on the grounds on which she asserted it; but when I made that declaration it did not refer to the case of the Vixen. I assure the hon. Member that he is mistaken if he supposes that I gave an opinion on a matter which was in the course of explanation between the two countries. All I said was, that if the explanation was not satisfactory, I should feel it my duty to state the fact to the House. The explanation, as I think was shown by the papers laid before Parliament, was such that this country had not a just ground for pressing the matter further. The hon. Gentleman, however, not content with the observations which he made in a good-humoured spirit, and with strangling one Minister after another, has indulged in remarks entirely unfounded as to the manner in which Lord Durham discharged the duties imposed on him as ambassador to St. Petersburg. Nobody can better than myself speak to the fact, because with me my noble Friend corresponded, and it was in connection with me that he acted; and I can undertake to say in behalf of Lord Durham, that so far from exhibiting an indifference to the honour and interests of this country, it was impossible for any public servant at a foreign court to have served his country with more zeal and firmness. He has rendered this country very important services which obtained the sanction of his late Majesty, and for which he has received a very just and merited token of approbation. The hon. Gentleman is entirely mistaken if he thinks that the interests of the country were not guarded as zealously and as firmly in that noble Lord's hands as they could have been if intrusted to the care of the hon. Gentleman himself. With regard to the affair of the Vixen, the whole matter is at an end for the reasons I have already stated. But the hon. Gentleman errs much if he thinks that, while we are disposed to put forth the thunders of our naval force to terrify so insignificant a place as Venezuela, we shrink from demanding satisfaction when required in such a case as that of the Vixen, or in another similar one, though not of the same description: I allude to that of the Lord Charles Spencer, which, though not captured, was stopped by a Russian cruiser, and, after being taken out of its course and detained some time, was afterwards released. We remonstrated with the Government of Russia on the last subject of complaint, and the result was, that an apology was made to the Government, and compensation was given to the owners of the vessel for the injury which she had sustained. Now, Sir, with regard to the treaty of Unkiar Skelessi, that, also, is a matter which has gone by: it is a treaty which, at present, is not one of the acknowledged treaties of Europe, and, consequently, can form no ground whatever for England to declare war with Russia. It was a treaty entered into for a limited period, and to meet peculiar circumstances; and that period having expired, and those circumstances having disappeared, and the probability also being that the two powers parties to it will not find it necessary that its engagements should be renewed, I think I am justified in saying that its introduction by the hon. Member upon the present occasion is wholly unecessary and uncalled for. Having said thus much separately on each of the parts into which the hon. Member's speech divided itself, I would observe generally, with respect to his statement, that, doing him full justice for his motives in bringing the subject under consideration, concurring with him in the principles on which his arguments are founded, I differ with him as to their proper application to the circumstances in which we stand. I deny most confidently that there has been anything in the conduct of the Ministers of England tending to prove them indifferent to the interests, or insensible to the honour, of their country. I deny utterly that through our policy the safety of the country has been diminished, or that its honour has been tarnished. I say that there never was a period when England was more secure from any aggression of a foreign enemy than at present, or when her honour stood higher than it does now. The hon. Member has told us that England had given security to the world at large, to the amount of eight hundred millions of pounds, to keep the peace; but let me ask, Sir, does the hon. Member suppose that England is the only country in which financial difficulties constitute an obstacle to aggressive warfare? Does he suppose that Russia—ay, even that same Russia which he seems so desirous to convert into a general alarm-giver—is in a more warlike position, as regards financial matters, than Great Britain? I beg to tell him he is quite as much mistaken in thinking that

Russia at this moment would find means to commence an offensive war as he is in asserting that England is in such a state as to render her unable to provide for a defensive one. Was it exclusively from her own resources that Russia defrayed her own portion of the expenses of the war which terminated in 1816? Certainly not. Between the beginning of 1814 and the end of 1815 Russia received seven millions by way of subsidies from England, and four millions as part of a war contribution from France; and it was these same eleven millions which enabled her to bring under arms those 160,000 men whom I myself saw in the plains of Champagne. Since the peace, Russia has been exhausting her means daily. In pomps and shows, in reviews in the north and reviews in the south, she has expended any surplus revenue her vast territory may give her; and although she has a large number of men under arms, yet when we consider the little means she possesses to muster them from various distant places, and then to train and bring them into the shape of an offensive army, the hon. Member may depend upon it she is not in a situation to give reasonable cause of alarm to any power ranked among the first powers of Europe. I say that Russia gives the world quite as much security for the preservation of peace as England. I assert that Russia would find it more difficult to undertake a war which had not for its object self-defence than England; and such being my firm and decided opinion, I do not think I shall be going too far in assuring the alarmed and hon. Member for Birmingham that Sheerness is not likely to be invaded, that there will be no necessity to cut the navigation buoys of the coast, and that, if he likes it, he may with confidence proceed to his nightly slumbers between this and the 1st of April next—ay, or this day twelve months—without the least fear of being awoke by the news either that the Russian fleet is anchored in the pool, or that the crews of their ships were parading the streets of London.

Mr. *Maclean* contended, that the declarations made by the noble Lord in the course of his speech were at variance with those which he had made on a former occasion. In a former debate, the noble Lord had censured the conduct of Russia with respect to Circassia. On that occasion the noble Lord had stated that though Russia was not bound to that particular step by the treaty of London, yet she had entered voluntarily into its engagements, and was bound so far as a voluntary declaration. It had been distinctly understood on the part of Russia that she would not look for the acquisition of territory, yet, notwithstanding, she had obtained an acquisition of territory of 200 miles extent from the south of Cuban to Fort Nicole. The hon. Member referred to the letter of the noble Lord, the Secretary for Foreign Affairs, addressed to Lord Durham in May, 1837, and urged that our Government sanctioned the occupation by Russia of the Coast of Circassia. In the treaty of 1783, a treaty fully acknowledged by Russia, Circassia was guaranteed as Turkish territory. There could be now no question that Russia was *boná fide* in possession of the whole of the coast of Circassia. The noble Lord must recollect that the Russian Government claimed a right to establish sanatory regulations along the coast; but they went farther, for they claimed a right to search vessels approaching that coast. Whilst Circassia was in the possession of Turkey this country had the same right to trade there, by paying the same dues paid as to trade to any other Turkish port, but upon that coast she was now forbidden to land goods of any description which were not included in the Russian tariff, and the commerce of England was in this respect greatly impeded. With respect to the treaty of Unkiar Skelessi, the fact of a large armament in the Black Sea would seem to argue some ulterior designs on the part of Russia, and if Russia was secure in her confidence in that treaty, for what purpose was she keeping up a large armament in that *mare clausum*, unless to guard the coast of Circassia? It was a subject of great importance to our commercial interests. The trade of Trebizond alone was worth a million a-year to thiscountry. It was a question of too much importance to be lost sight of, and should be brought forward again. Under these circumstances he trusted the hon. Member would not press his motion to a division, as he must see from the then state of the benches on the Opposition side of the House, as well as from the manner in which the question had been received at the other side, that it could not be said to have received the attention of the House.

Mr. *Attwood*, seeing that the sense of the House was against his pressing the question to a division, felt it his duty to yield to it. But he would tell the Government that, if they did not change their policy, the day would come when this question would be forced upon them in a manner they could neither avert nor avoid. He begged to withdraw the resolutions.

Resolutions put *seriatim*, were then withdrawn.

Spirit Licences (Scotland).] Mr. *Dennistoun*, after calling attention to a petition he had presented on a former day from the spirit dealers of Glasgow, respecting the existing licensing system, moved for leave to bring in a bill to amend a law relating to the granting of spirit licences in Scotland. His object was to do away with the necessity of a spirit retailer seeking a renewal of his licence each year, and to provide that, having once obtained a licence upon the requisite certificate of character, he should be allowed to sell under that licence without question until objection should be made to him. In addition to the trouble and inconvenience inseparable from the system of annual licences, it placed, in his opinion, too much unnecessary power in the hands of unpaid and irresponsible magistrates, who not unfrequently used that power in the promotion of their political views.

Mr. Wallace seconded the motion.

The *Chancellor of the Exchequer* observed, that the subject matter of the hon. Member's bill was one, not of revenue, but police consideration, and that it was exclusively in that point of view it was to be considered. He had long felt the system of annual licensing must act as a hardship upon the spirit dealers, while, as a matter of police, the licence being in the first instance duly obtained upon the production of certificate of character, it struck him that the annual renewal was wholly unnecessary. He therefore did not object to the motion, and on the proper occasion would be ready to give it every due consideration.

Mr. *M. L. Chapman* said, that in Ireland the practice of annual licensing had been altogether discontinued, and now a man having once obtained a licence, unless objected to, was not required to come before the magistrates to seek for a renewal. This plan had been found to work well, and might serve the hon. Mover as a precedent.

Mr. *Hume* was happy to hear the statement made by the right hon. the Chancellor of the Exchequer; for he hoped that it opened a prospect of legislating on good principles upon this subject. The system adopted in Ireland was working well there. Why not apply equal justice to the beer and spirit dealers in England?

Mr. *Forbes* recommended caution on the subject. He would not oppose the bringing in of a bill, but he reserved to himself the right of stating his objections to it in its progress. He did not know what might be the case at Glasgow; but with reference to any part of Scotland with which he was acquainted, he did not believe that licences were ever refused on political grounds.

Leave was given to bring in the bill.

HOUSE OF LORDS,

Friday, December 15, 1837.

Minutes.] Petitions presented. By Lord Brougham, from the city of London, for extending the working of the Municipal Officers' Bill to the Jews, and all other persuasions.

Post-Office.] The Earl of *Radnor* presented a petition from the principal London booksellers, praying for a general reduction in the present rates of postage. A very general interest was felt upon this subject, and great anxiety prevailed among all classes that considerable alteration should be made in the charges of both the general and twopenny post. The petitioners complained that they were obliged under a severe penalty to have their letters transmitted through the post at an enormous rate of charge, while they could despatch them by other modes of conveyance as safely, regularly, and with a great saving of expense. They might send by the steam boat from London a packet of 1,000 letters to Edinburgh at the cost of 1*s*., whereas the postage charged on them singly would amount to upwards of 50*l*. There was another fact mentioned in the petition which went far to illustrate the hardship of the present system: the expense of the conveyance of a newspaper from London to Edinburgh amounted to only four-fifths of the penny stamp charged on the paper itself, the other one-fifth being profit to the post-office; and yet a single letter, very much smaller in bulk, and of course more easily transmitted, was charged for the same distance at the rate of 1*s*. 1½*d*. The petitioners further stated, that carrying on their trade principally through the medium of letters, if the postage were reduced the increased correspondence between one part of the country and another would very soon indemnify the public for any immediate and temporary loss of revenue; they would themselves despatch and receive between 50,000 and 100,000 letters in the course of the year more than at present.

Lord *Brougham* supported the prayer of the petition. He was convinced the greatest possible advantage would arise to the community from the adoption of an uniform and low rate of postage. He should himself present a petition from the corporation of the city of London on the same subject on Monday next, when he hoped his noble Friend (Lord Radnor) would move a Committee for the purpose of considering this matter.

Petition laid on the table.

IMPRISONMENT FOR DEBT.] Lord *Brougham* presented a petition from certain prisoners in the Fleet, some of them clergymen, comprising many names highly respectable in themselves, and equally so from their professions, praying their Lordships to pass with all convenient speed the bill for abolishing imprisonment for debt. He begged leave to avail himself of this opportunity to correct a mistake made the other night when the subject of imprisonment for debt was under discussion. He understood it was not consistent with fact to suppose the bill now before the House had been drawn up by the law commissioners, or even that they had any great hand in the preparation of it. They had in the former bill, but not in the present.

Lord *Abinger* was perfectly satisfied the majority of the commissioners had no hand in the preparation of the bill. He knew one considerable authority among them who did not approve of it. With respect to the petitioners in this case, of whom there were 105, there was hardly one, he believed, who was not able to obtain his discharge under the Insolvent Debtors' Act before the abolition of Imprisonment for Debt Bill could pass the Legislature, if they consented to make a full disclosure and assignment of their property for the benefit of creditors. He was afraid, however, that the vast majority of them would derive no relief from the bill if it should pass, because they were likely to prefer the imprisonment they now endured rather than submit to the rigid inquiries the bill would establish for the discovery of their property.

Petition laid on the table.

HOUSE OF COMMONS,

Friday, December 15, 1837.

MINUTES.] Petitions presented. By Mr. HANDLEY, from Ashton, in favour of the Ballot.—By Lord SANDON, from Liverpool, for a Board to examine Masters of Merchant Ships.—By Mr. D. W. HARVEY, from Chelmsford, and another place, for a thorough revision of the Pension List.—By Mr. GROTE, from the London Mechanics Institution, for access, free of expense, to all public places containing Works of Art.

POST-OFFICE.] Mr. *Hawes*, seeing the right hon. the Chancellor of the Exchequer in his place, would ask him whether it was the intention of the Government to give effect to the recommendation of the Commissioners of the Post-office, contained in their ninth report relating to the reduction of the rates of postage, and the issuing of penny stamps?

The *Chancellor of the Exchequer* was not prepared to give the hon. Gentleman any expectation that he should carry into effect all the recommendations of that report, but some of them he certainly should. He was about to try the experiment of issuing the penny stamp covers, to see how far that contributed to the convenience of the public. He, however, had some doubts on the subject. With respect to the postage duties in the metropolitan districts, he contemplated a reduction, and he did not intend that such reduction should be confined to the metropolitan districts. He conceived that the amount of the lower classes of postage was too high—he meant the four-penny post. He thought that that charge was disproportioned to the service; and the less the distance was from London the more likely was the object of a high duty to be defeated by private communication. There were much greater facilities, for example, for the transmission of a letter privately from London to such a distance as Richmond, than from London to Aberdeen, He, therefore, proposed to make a large experiment as regarded the reduction of the rates of postage for the shorter distance. He intended to reduce them one-half. A strict account would be taken of the amount at present collected under the 4*d.* duty, and of what would be collected when the duties were reduced to two-pence. Those accounts would be laid upon the table of the House, and they would be a satisfactory proof either to establish that a general diminution of the present rate of postage would have the effect some persons anticipate of benefiting the public by augmenting the communication, or to negative that proposition. This arrangement could be made without coming to Parliament for the purpose, by an order of the Treasury, under the provisions of an act of last Session; indeed it was now in progress. He had already stated, that he should try the experiment of the stamp covers. He did not propose to lower the rate of the twopenny post till he saw what the effect of the issue of the stamp covers was. It was clear that he could not try the stamp covers as a principle, unless the amount paid for them was the same as the amount of the postage. The assertion made was, that the public would prefer taking the stamp covers, thus paying the postage beforehand instead of on delivery.

Sir *R. Peel* asked if the two plans could not be combined of reducing the postage and using stamped covers?

The *Chancellor of the Exchequer* remarked, they would try the latter experiment first on the twopenny post. If it succeeded they could try it on an extended scale; at the same time he was bound to say, that while he did not wish to speak disparagingly of an attempt he was himself about to try, he must add that he was not very sanguine as to the result.

Mr. *Clay* inquired if, in making the experiment in the metropolis, it was intended that the stamped covers should be sold for twopence?

The *Chancellor of the Exchequer*. Certainly.

THE PENSION LIST.] The *Chancellor of the Exchequer* moved the order of the day for the House to resolve itself into a Committee of the whole House on the Civil List Bill.

Sir *G. Sinclair* moved, as an amendment, that the nomination of the Committee on the pension list be proceeded with.

The *Chancellor of the Exchequer* thought, that it was always regarded most proper that hon. Gentlemen should consent to the Government being allowed to bring on its business at that which it considered to be the most suitable time for doing so. It was, he thought, much more proper to bring on the grant of the civil list to her Majesty rather than the nomination of the Pension List Committee. He begged to assure the hon. Gentleman, that he had no intention of bringing on the nomination of the Pension List Committee, but at such a period of the night that it could be most fully discussed.

Sir *G. Sinclair* stated, that if it was to be understood that the question would not be brought on before ten or eleven at night he should be satisfied, and ot press his amendment.

Mr. *Harvey* trusted, that the hon. Member would persevere in his motion, because it was the first time in which reference had been made to an individual Member of that House in the manner that a reference had been made to him upon this point. He did not consider it becoming nor fair to allow a Member of that House to stand upon the votes of that House in the manner that he was, leaving it to be a matter of conjecture, and of whispers to all sorts of irresponsible persons, as to the intentions of others respecting him. He had been asked by almost every Gentleman coming into that House, whether or not he was to be on the Committee? If it were true, as it was the impression of the country, that Members of a Committee were well paid, then, perhaps, any anxiety experienced might be excusable; but when he looked to the labour and the toil and the nature of his other avocations, he might well say that he should be very well pleased to be excused altogether. He thought, however, it was due to him from the Chancellor of the Exchequer to say, whether it was intended or not to put him on the list of the Committee, he being the individual with whom the inquiry originated. The right hon. Gentleman had taken this matter out of his hands, after he had, through good report and through evil report, conducted it to its present position, and so far, too, had the compliment been paid to him that the right hon. Gentleman had adopted his resolution; and yet after all this it was permitted to be a matter of conjecture whether he was to be on the Committee. Now, he wished to be relieved from all apprehension on the subject, and he begged to say that if the right hon. Gentleman was not at that moment prepared to say, whether he was to be on the Committee or not he would not serve on it.

The *Chancellor of the Exchequer* remarked, that the hon. Gentleman had said that unless he was then prepared to make a certain statement, that hon. Gentleman would not serve on the Pension List Committee. The question to which the hon. Gentleman referred would come on at a fitting and proper time. There was a notice on the order book respecting it, and he should be ready to answer it distinctly when the motion came on; but if he were called upon categorically to answer a question upon one motion when another motion, that respecting the civil list, was before the House, he would not do it. His doing so, he considered, would lead to very great inconvenience upon other occasions. If there had been no notice given upon this point there might be some reason for asking the question; but as the hon. Gentleman had taken his own course, he should reserve himself for the discussion which the adoption of that course must lead to.

Amendment negatived; order of the day read.

On the question that the Speaker leave the chair,

DUCHIES OF CORNWALL AND LANCASTER.] Mr. *Harvey* considered that this was the most appropriate time for bringing forward the motion of which he had given notice, "That it be an instruction to the Committee that due provision be made in the Civil List Bill for the protection of the right of Parliament to inquire into and to appropriate the revenues of the duchy of Cornwall and the duchy of Lancaster respectively," and in proposing his motion, he must say, that he was greatly surprised this important question was not brought forward under the sanction of her Majesty's Government, for while he was disposed to make every allowance for the heated expressions employed in party conflicts, he could not banish from his mind the solemn declarations made upon this subject by many who were now the supporters of her Majesty's Government. It would be in the recollection of many hon. Members he now addressed, that when the civil list was last brought under the notice of the House by the Government of the Duke of Wellington and the right hon. Baronet, the Member for Tamworth, one of the most distinguished persons then connected with the opposition (perhaps not the nominal leader, but, beyond comparison, the ablest man amongst them, and the more able because of his legal pretensions) declared his conviction that the terms of his Majesty's speech implied the surrender of these revenues to the services of the public, and he also stated that the resignation ought to be made. It would, too, be recollected that, when the same government was afterwards borne down, the noble Lord who was subsequently the Chancellor of the Exchequer announced to the House his concurrence in the interpretation that had been then given by the noble Lord to the royal message, and also his own concurrence in the propriety of the course itself; and that the government with which he was then recently connected was only deterred from making the revenues of these duchies applicable to the public service because he found, from a conference with his royal master, that such was not his Majesty's intention. His object, then, in bringing forward this subject was to test the sincerity of hon. Gentlemen, now that they had the power, and that they were unfettered by any such communication. It would test, too, those who considered that economy was to be effected by a reform in Parliament, and how far they were disposed to set at rest a question which had frequently been agitated, but for which the period of its settlement had only then arrived. The Members who took the trouble of looking over the debates of that House for the last quarter of a century would find that the revenues of the duchies of Cornwall and Lancaster had been the subject of frequent notice and animadversion. Attempts had been made to bring the nature and extent of them before Parliament, and attempts had also been made to render them public property. Some denied the right of Parliament to have any cognizance of them; but far the greater number relied upon the inaptitude of the period for discussing it, always admitting that the nature and extent of this important property should most properly be brought under the cognisance of Parliament on the demise of the Crown. If, then, they lost the present opportunity, all other chance was at an end, because the civil list would, in a few days, be closed; they would then have fixed the grant for a life, in all human probability, surviving the life of any individual whom he then addressed. There was, then, no resting-place for men who revelled in expediency to take their stand. Hon. Members might say, that they would be prepared to grant a Committee hereafter to inquire into the property, to ascertain its amount, and to suggest an improved and economical arrangement of it. All this might be very well for the illustrious individual who filled the throne, and it might be gratifying to them to know that by such means there had been made a great accession to her wealth; but as far as the extended questions of economy and reform were concerned, unless they were prepared to make the inquiry now, and in connection with this Bill, all real advantage to the community would be at an end. This, and no other, was the identical time in which the question ought to be tried. He did not consider that the fitting time to enter into the ancient history of this property, and it was unnecessary for him to do so in moving for a Committee, when he was fortified by the opinions of others, more valuable than any of his own, which could be drawn from historical statements. He had the gravest authority for saying, that this was a public property—an authority to which the Government must bow, as the individual who delivered it was selected by them to hold the highest equitable jurisdiction in the country. That individual had been selected partly because of his powers in that House, and partly, he supposed, because of his great knowledge of the law—that individual, Lord Brougham, had, in his place in that House, and within seven short days of his sitting on the Woolsack, stated that he considered these revenues to be public property. But, in order that they might not be led away by the dry sentiments of lawyers, he had also to refer to the opinion of the then Chancellor of the Exchequer, Lord Althorp, who, while declaring his concurrence in the opinion expressed by Lord Brougham, stated his intention to make his own opinions subservient to the wishes of his royal master. When, then, he had the grave authority of lawyers and of laymen, why trouble the House with any legal disquisition on the subject? It was plain, that it was the duty of the House to tell the people what was the real extent of the property which the Crown of England possessed by virtue of its tenure. The report of the Civil List Committee had been laid upon the table of the House, and he owned that he was not a little surprised at its meagre and unsatisfactory character. He should like to be informed if the revenues of the duchies of Cornwall and Lancaster in any manner had engrossed their attention? The purpose of that Committee was to make an ample provision for the splendour and dignity of the Crown. The provision made by them was about to be embodied into law—it amounted to 385,000*l.* Was it considered, that the revenues of those duchies were to be essential to such an object? It seemed to him, that the Committee had revelled in the very riot of royalty. They had conceded not only what the predecessor of her Majesty had enjoyed, but, in order to make a round sum, and not to be inconvenienced with small figures, they had thrown in a make-weight of 8,000*l.* a-year. They had done more. It appeared, that the expenditure of the late King, bearing in mind that he had many peculiar adjuncts which her Majesty was free from, was less by some thousands a-year than what he received. That excess, which was carried into the privy purse of his late Majesty, was 15,000*l.* a-year. This, then, with the additional 8,000*l.*, was given to her Majesty. In addition to these, was her Majesty to be in possession of the revenues of the duchies, exaggerated in amount, if they pleased to say so, but still indisputably great. He believed, taking into account the fines recovered, and allowing even for the extravagance in the management of the revenues, that they amounted at the least to 50,000*l.* per annum—were they, he asked, to go into the secret coffers of the Crown? Gentlemen might speak of economy and reform, but what he wished of them was, to let it be known whether, in addition to a privy purse of 60,000*l.*, in addition to 10,000*l.* or 12,000*l.* for charities, in addition to a proved excess between the receipts and expenditure of her predecessors, and in addition to 8,000*l.* to make the whole a round sum—in addition to all these were Gentlemen who were economists and reformers, was the House, prepared to say that the whole of these revenues, one year with another, nothing short of 50,000*l.*, was to be thrown into the lap of the monarch to be expended or to be treasured up as her Majesty thought fit? If it was to be so, let it be understood by the country, and let them hear no more of the danger of secret service money. Here was property of the Crown which was not to be under the cognizance of Parliament. If these immense revenues, which, under improved management and more economical arrangements, might probably be made to come to double the amount; if they were to be expended as extravagance or avarice might suggest, then let it be understood. But he might be told that his fears were groundless, because it was in the contemplation of Government to institute an inquiry into the property, and to place it on such a footing as should give the Parliament a cognizance of its amount. Why this would be of very little value, if they were to inquire into the nature and extent of the revenues with a view to their improvement, if at the same time they were placed at the irresponsible disposal of the monarch. It might be very gratifying to the illustrious individual who received the benefit of the inquiry, but as far as the property went to the aid of the public it would be none at all. It was the more important that the House should extend its superintendence to this property, and render it available to the public service, for this reason—because it was not at all improbable, it was, indeed, a contingency not by any means of remote probability, that within a very few years they might be called upon to take off their hats for a royal message announcing a happy event. They would be called upon to make a liberal and munificent provision for the happy circumstance of preserving the uninterrupted succession of the House of Hanover, and for this purpose they would be invited to grant fifty or a hundred thousand a-year to the heir apparent. Was it not, then, desirable that this property, which was allowedly the income of the Prince of Wales when they had one, should be put into a proper train of management, in order to provide for that apparent and desirable event? If the Queen was to have this money—if the income of 50,000*l* was to form part of the royal revenue in the contemplation of the Committee—if it formed a part of the judicious expenditure of which they heard so much—if it partook of the happy circumstance of being constantly under the control of a maternal system of economy, he would like to hear it suggested in what way the deficiency would be made up when the royal infant presented itself and claimed the money, thus taking away from the royal mother the disposition of it, a disposition which was confessedly essentia to the comfort, and splendour, and dignity of the Crown. The chasm must be filled up by another grant, or else some interference ought at the present moment to be interposed, for the purpose of guarding this property from this species of misapplication. On looking over the report he could not help smiling, and at the same time feeling something like indignation, at this attempt to practise upon the credulity of Parliament and of mankind in general. In the report of 1830 it had been made matter of great regret that the Committee had been restrained from entering into more extended inquiry by bringing before it persons and documents in order to satisfy their own delicate scruples and the just expectations of the country. The Committee regretted it deeply, and at the time sincerely, that they had not been armed with power to send for and examine papers, persons, and records. Would it not occur to any person that, when inconvenience was thus felt from narrowing the report, arising partly at the time from the inexperience of the Government, scarcely seven days in their seats, and for whom, therefore, there was abundant excuse for their not being sufficiently informed of the rules and regulations of the House—would it not occur to any persons that those who were the authors of the report of the Committee of 1830, a report which breathed such lamentations about their want of power, would have guarded against the recurrence of the same inconvenience by clothing a future Committee with those powers? And yet it appeared that the Members of that former Committee, the authors of that report, came to a new Parliament with loud lamentations that they could not follow out the inquiry as far as their duty and inclination would lead them, because they were not armed with powers to send for papers, persons, and records. And why were they not thus armed? Who framed the words of the motion for the Committee. Why did they not add the words, "And that the Committee have power to send for papers, persons, and records?" The consequence was, that they had another meagre production which told them nothing, but that they would have precisely the same establishments with the same extravagance and amount which had characterised former reigns. But, then, they were told that the grants to former monarchs was the same as the present, and that they were not adding to the present expenditure in any matter now on the list. What was the constant course taken by the hon. Gentlemen when in opposition? Were they not eternally talking about the extravagance of the civil list? Were they not constantly reminding their opponent how much that list required investigation? Did hon. Gentlemen fancy that the people paid no attention to them and to what they said? Did they suppose that the people looked upon those statements as idle words, meaning nothing, or did they imagine that the memory of the people was so fragile in its recollection as not to remember anything beyond the last week? He would call to their recollection what took place in 1816, when the civil list of the Prince Regent was established. Could hon. Members who had either heard them personally, or who had read the debates of that period, forget the cutting sarcasms of George Tierney, when he assailed Lord Castlereagh, and ridiculed the office of Lord Chamberlain, of Lord Treasurer, and of the knights and women and men of the Stole? And what was the answer of Lord Castlereagh to this ridicule of the establishment of the Sovereign? He said, "I grant the establishment is extravagant, but then look at the expense of the time; look at the high price of every thing; it is necessary to adapt the establishment of the Royal Household to the circumstances of the times." If, in 1816, they were to justify a large grant, on the ground that all articles of consumption were at a high war price, was it not a reason now, when they were surrounded with every kind of economical reform, when they had competition and its consequences, for looking into the grant with a view to see whether it could not be a little reduced? Besides, let them look at the improved lights that had been shed upon Government of late. Had they not commissioners upon economical reform, exploring the country, and making experiments upon the gastric organs of men, and, in a spirit of refined and generous philanthropy, endeavouring to ascertain, by experiments on their stomachs how much was requisite to maintain a strong, healthy, rural labourer, and proclaiming that a man of immense muscular power, of great strength, and of six feet of elevation, could be sustained in health and strength upon six shillings a week? This was the standard of economy they were seeking to introduce into the country, and yet this Committee ran riot in extravagance and took no notice in 1837 of those things which were made the subject of well-merited censure and bitter ridicule in 1816. Was it to go forth to the world that these statements were the mere mockery of party contest, and that those who in 1816 made these statements, meant nothing more than an endeavour to excite and stir up hostility to their political opponents? Whoever would take the trouble to look through the present Bill would find no change for the better, but a considerable change for the worse. Let it not, then, go forth to the world that they proposed a civil list for her Majesty less than that which was granted to her Royal uncle. It ought to be borne in mind, though their attention had not been previously called to it, and at all events it was not in the Report of the Committee, that the late King was called to the throne under very different circumstances, and was surrounded by claimants on his paternal attention which did not belong and could not belong to the present illustrious individual. Why should there be any delicacy in the investigation? In the Report of the former Committee it was stated that the Committee felt disinclined to enter into the subject of the expenses of the Royal household because it was considered that it would be unpleasant to the feelings of the Royal individual who then filled the throne, because it was well known that the individuals who then composed what was considered the royal or domestic household were familiar to him. He was himself an inmate of the palace for years; he could not pace its halls, or walk its anti-chambers, or cross its parks, or show himself, but he saw some aged servant of his royal father or brother, with whom when a child he was familiar, and whose removal or diminished income would be to him a matter of personal anxiety. But it was not so with the Queen. She could have no sympathies of this sort, and he was satisfied that the first feeling of her heart must be to have her establishment put on a correct foundation which would be justified on inquiry. Instead of that, this Committee, which had been shut up with closed doors for six or seven days, occasionally soothing their monotonous labours by fruitless divisions, came to that House and actually proposed a grant greater than that which had been granted to William the 4th. It was important that the people should not be misled by contrasted figures, at the same time that they were not apprised of the circumstances that created the difference. It was true that the amount proposed to be granted to the Queen was less than the sum proposed to be granted to her royal predecessor; but, in point of fact, it was greater, because the grant to the King embraced the grant of 50,000*l.* a-year to the Queen. That of course was now disposed of in another way. The country got 50,000*l.* a-year by having a Queen; but they lost 50,000*l.* a-year by having a Queen Dowager. Then 75,000*l.* was taken from the royal grant, inasmuch as nothing was allotted for pensions; and when he looked at these two sums, and deducted the 50,000*l.* and the 75,000*l.* for which the pension list was charged, he found that the sum actually proposed to be granted to the Queen was more by 2,000*l.* than that which had been granted to her royal predecessor. He was well aware that he might as well be talking to the wind. He was as satisfied as he was of his own being, that if the Chancellor of the Exchequer had come down to the House, and said, "he was about to move in obedience to a Royal Message—in consequence of what appeared to him to be a very singular form of language—the nearer proximity of the Duchess of Kent to the throne, a proposition which he was gratified to be enabled to make in consequence of the large exuberance of feeling, in which the House and the country participated, that if he consulted the feeling and the pulse of the country, that if he measured it by the height of the sentiment of affection and regard towards the Royal Duchess, he would not know where to limit his proposition, but that inasmuch as he found that 100,000*l.* a-year had been granted to the widow of the late King, he could not for a moment doubt that the House would think that if the widow of the late King had 100,000*l.* the mother of the Queen ought to have the same sum." And he (Mr. Harvey) had no more doubt than he had of his own existence that such a proposition would be received with precisely the same acclamations as the grant of 30,000*l.* was received with, except that Gentlemen opposite would be still louder in the condemnation of the unbecoming conduct of her Majesty's Ministers in not telling them in good time that they meant to propose 100,000*l.*, so that they might appear in crowds to congratulate the Duchess on the liberal but not too bountiful supply. If he consulted his own sentiments on this occasion, he should sit down in silence and partake of that general mass of peculiar benevolence which consisted in being particularly liberal with the resources of the country. He thought it idle to take separate discussions on distinct parts of this subject, as, whilst he thanked the House for the kindness with which they had listened to him, he could not expect the House to listen to a repetition of his opinions on the same subject. He had nothing to say with regard to the grant of 30,000*l.* He was ready to admit that it was relatively moderate, he saw no reason why, if a Queen Dowager had 100,000*l.* and two palaces, one of which had been put into a proper condition at the expense of 25,000*l.*, and that, too, after they had had an estimate of the repair to be paid for by the Prince Leopold, not exceeding 4,000*l.*, but when it was looked over by a more favourable eye they found that the repairs would cost 25,000*l.* He did not therefore see why the mother of the Queen, standing as she did in a situation which brought her in connection with the throne, should not have 30,000*l*, whilst another individual, who was comparatively thrown into noble obscurity, should have 100,000*l.* But it seemed to him that this 30,000*l.*, had been voted in a manner which was in no way commendable, because it had been made a pretext or foundation for the grant, that the country would lose nothing. Now, he thought that the arguments that had been urged were neither generous nor becoming, nor was it a proper way to deal with the subject. The law officers of the Crown recited the Act of Parliament which had been passed in 1831, when 10,000*l.*, additional, was granted to the income of the Duchess of Kent. He thought, however, it might be fancied to be a hard legal interpretation of the words of that act, that no man could read it and say that it bore the interpretation attempted to be put upon it. It was due to the public to show exactly how the matter stood. There had been already three grants to the Duchess of Kent, and the one now proposed made the fourth. The first was when the Duchess of Kent formed an alliance with the Duke of Kent, and the country made what was considered at the time a provision by way of dower, to be paid in an event which had since taken place. The Ministers of that day were not economists, the Parliament of that day was not a reformed Parliament; they sat down to consider what they thought would be an appropriate provision for the widow of the Duke of Kent in the event of her becoming such, and the sum fixed upon was 6,000*l.* Were they now to turn round when the event had been realised, and say, that the grant was too little, that the 6,000*l.* which had been granted as a proper and adequate provision was too little? In the process of time the Duchess had a child, and 6,000*l.* a-year further was granted for the maintenance and education of that child. Would any one tell him that he should continue to pay the schoolmistress when he took the child away? The 6,000*l.* was granted expressly for the maintenance and education of that child, and when the child became an adult, and the ruler of the nation, that 6,000*l.* should in common sense cease. But the allowance was still thought too small; and then came what was called the Grey grant of 10,000*l.*, more, at a period when the princess entered upon public life. It was provided in the act granting this sum that 4,000*l.* of it should be paid to the Duchess of Kent as long as she lived, and the remaining 6,000*l.* as long as the Princess lived, and the lawyers said that this meant that the Duchess of Kent should have the 6,000*l.* as long as the Princess lived, and that she might sell it if she pleased; and even though she should die, the grant would continue for the life of the Princess. If they looked at the Act of Parliament, they would see at once that not only was this an overstretching and unbecoming interpretation, but that it could not be so interpreted. What said the act? It said that the receipt of the Duchess of Kent, or any person whom she should appoint, should be a sufficient and full discharge. How did they propose to get the receipt of the Duchess of Kent if she were dead? The words of the Act clearly meant this, that the Duchess of Kent should have 4,000*l.*, as long as she lived, and that she would have the remaining 6,000*l.*, as long as the Princess required maintenance and education. This was the common sense of the thing. But then, in stepped the profound lawyers of the Crown and the Government, and they said that the Duchess of Kent had a right to sell or dispose in any manner of this 6,000*l.*, as long as the child lived. But then they said they meant to destroy that right, and to effect a saving in this way. They said put down 8,000*l.*, as long as the Duchess of Kent lived, and then put down 6,000*l.*, for the life of a young lady of nineteen. And then ask what was the value of 8,000*l.*, for the life of a lady of about fifty compared with the value of 6,000*l.*, for the life of a young lady; and therefore, though they were giving 8,000*l.* more in point of fact on the most simple calculations of political economy, they were making a saving. This was the most extraordinary reverie that had ever found harbour in the head of the most profound calculator. His object was to let the country really know what the question was, and how it stood. He might be allowed to state that they would in all probability never have an opportunity of discussing this matter again. Some year or two hence, when a little more distress prevailed, and royalty was less rampant, they would be reminded, at least some of the hon. Gentlemen near him would be reminded of the readiness with which they had conceded this grant; they would be taunted with it, and asked why they did not say something against it at the time? What would be the answer? they would say, "Oh! we would have opposed it, but the House was so impatient, and the Chancellor of the Exchequer was so singularly winning and seductive, that we could not resist him; but if ever there is another civil list we will act very differently, and as some of us have a fair chance of surviving a young lady of nineteen, only give us credit for our good intentions for the future." He, however, did not mean to act in that way. That should not be imputed to him, and in order that it should not, he would take the liberty of making one or two observations about this 30,000*l.* Was the Duchess of Kent to have this sum under all circumstances? [An *hon. Member*: Yes.] The hon. Member said "yes," perhaps he would like to have it paid in his own paper. But he asked the guardians of the British purse whether this 30,000*l.* was to be paid under all circumstances? He had heard a toast frequently given of late at public dinners, and received with great applause, namely, "The health of the royal family now in England." This was always received with bursts of applause, and something was said about the King of Hanover, and against a person living at Hanover being allowed to extract a large sum of money from Britons, to wring it out of the industry of this country, from the hard labour of the manufacturing classes. Now, what he meant to say was this. If any man received a large sum of money from the country, and went to another country to spend it, the feeling was, as in the case of the King of Hanover, that the grant ought to be withdrawn, or, at least, part of it. He would ask, were there no circumstances that might arise, no change or chance which would induce the Duchess of Kent to cease to live in this country? Might there be no circumstances when those feelings, of which so much was said, as tending to captivate even the most ancient heart,—might not circumstances arise when some one would participate in those feelings? Might not her royal highness form new alliances, which would place her in a different situation in society? These were considerations which ought not to escape them. But he would revert to the subject of his motion. [*Hear, hear.*] The Chancellor of the Exchequer cried, "hear, hear." That was as much as to say, "You should do as I do: you should confine yourself to the question, and make short speeches." He was coming to his motion on which he intended to take the sense of the House. The words of the motion were these:—"That it be an instruction to the Committee that provision be made in the civil list for the protection of the right of Parliament to inquire into and appropriate the revenues of the Duchy of Lancaster and the Duchy of Cornwall respectively." He had endeavoured to bring the subject under the attention of the House. He had confined himself as much as possible to the less repulsive parts of the subject; and he hoped that if what he had said was not acceptable to the House, at least he had not said anything that was offensive.

The *Chancellor of the Exchequer* said, that there were many matters adverted to in the hon. and learned Member's speech, connected not only with his present motion but with the subject of the civil list, and the annuity proposed to be granted to the Duchess of Kent, which, at another time, would have called for some observations from him; but he should endeavour, notwithstanding the provocation given by the hon. and learned Gentleman, to postpone any discussion on the subjects until the House had them properly brought before it, and he would reply merely to that portion of the hon. and learned Gentleman's arguments which related to his two substantive propositions. The hon. and learned Gentleman must not think that he undervalued his observations; he only thought that this was not the most fitting opportunity to reply to them. In making his present proposition, the hon. and learned Member seemed to suppose that the revenues of the duchies of Cornwall and Lancaster were included in the revenues which were placed at the disposal of the House in the Speech from the Throne at the commencement of the Session. If it were not so, the hon. and learned Gentleman must be well aware that the consent of the Crown would be necessary to enable them to entertain his proposition, and without that consent it was irregular and unparliamentary to discuss it. The hon. and learned Gentleman could not complain of being taken by surprise, with reference to the real meaning of the Queen's Speech. On two distinct occasions he had expressed that meaning to the House. The hon. and learned Member had referred to the King's Speech in 1830, and had stated that, on that occasion, a noble Lord, who was then a great ornament of that House, had interpreted the words contained in that Speech to mean, that the duchies of Cornwall and Lancaster were included in the surrender made by the Crown. It was not for him to defend the line of argument used on that occasion, but it had no reference to the Queen's Address from the Throne on the present night. The interpretation put on the Speech of William 4th was expressed in the Civil-list Act of William 4th, and in that Act those duchies, so far from being surrendered, were reserved in the full possession of the Crown. And what did the Message from the Crown communicate to the House? It stated that the same hereditary revenues which were surrendered by William 4th were surrendered by the present Queen. Her Majesty gave up the hereditary revenues which had been surrendered by the Civil-list Act of William the 4th, but this did not include the revenues of the duchies of Cornwall and Lancaster, and consequently they were not surrendered at present, and, without the consent of the Crown, the House was not in a position to discuss this proposition. That explanation could scarcely have the effect of taking the hon. and learned Member for Southwark, or any other hon. Member by surprise. He had stated at the commencement of the Session, and during the progress of the civil list in the last debate, what the intention of Government was with regard to these two duchies. The statement he had made was, that it was not intended to include in the civil list any arrangement for the surrender of the duchies of Cornwall and Lancaster, and that statement had been made matter of observation on both sides of the House. Therefore hon. Gentlemen in the House, and the people out of it, were perfectly aware of the nature of the proposition he intended to submit to the House. But he had made a further statement which had been cheered by many hon. Members, and, he believed, by the hon. and learned Member himself. He had stated, that great objections were made to the present system of management, and to the mystery of the Administration; and, he added, that it was the intention of the Government to introduce a Bill or Bills into Parliament to provide first for a better administration of the property of the duchies, and also to provide for rendering annually to Parliament an account of the revenue of the duchies, so that a branch of administration which was so long a mystery should be brought specially under the notice of Parliament, communicating to the public the amount of money received and receivable, and the system under which the property was administered. To that declaration he entirely adhered. There was no Gentleman acquainted with the duchies of Cornwall or Lancaster who was not aware that the laws which regulated both were obscure and very complicated. It was a very easy thing to say—put these duchies under a simpler and better system of management; but the change would be attended with great difficulty. As an instance, he would take one matter connected with the duchy of Cornwall. The question of the tin duties had been brought under his consideration by various gentlemen connected either by property or representation with the duchy. He hoped, most sincerely, in the progress of the Session, to be able to make a satisfactory proposition on this subject. From the communications which he had had on both sides, he was perfectly well aware that this was a very difficult subject to approach, and the difficulty became greater to one who was bound to consult the interests of all. There were many difficulties to be overcome in the consideration of the present question. But lest possibly any hon. Gentleman should again complain of being taken by surprise, he would, on the present occasion, state, that in the proposed measure, it never was the intention of Government, on the contrary, it was the reverse of their intention, that these revenues should be surrendered by the Crown. He would not follow the hon. and learned Member through his details. The House would recollect that the duchy of Cornwall was held profitably by the Crown only as long as there was not a Prince of Wales. If there should be a Prince of Wales, under the law of the land the revenues of the duchy of Cornwall became vested in him as Duke of Cornwall. It would not, therefore, be immediately necessary to come to Parliament for any revenue for the support of the Prince of Wales. The revenues of the duchy of Cornwall were appropriated by law for that purpose, they would form a fund accumulating towards the support, and to provide for the wants of the Prince of Wales, being applicable, when a prince was born, to his maintenance. He would say one word as to the statement regarding the Civil-list Committee. He begged the attention of the House for a moment. The representations of the hon. and learned Member for Southwark were calculated to mystify the House, and he would, therefore, call their attention to the real facts. The hon. and learned Member said, that the Committee of 1830 had, through the inexperience of the Government, neglected to clothe themselves with power to send for papers, persons, and records. The hon. and learned Gentleman wanted to have it inferred, that the Committee expressed deep regret that they had not been furnished with adequate powers on the occasion, and yet that the present Government, that is, the same individuals who moved the former Committee, had fallen into the same mistake, and that the inquiry, therefore, was defective and insufficient. Now, it was no such thing. The facts were entirely contrary to the hon. and learned Gentleman's recollection of them. Sir Henry Parnell moved for the Committee — he moved it while in opposition. On the 12th of November, 1830, Sir Henry Parnell moved, that the Committee should have power to examine the accounts laid before the House, but that they should not have the power to call witnesses. Mr. Banks said, that he did not wish to have enlarged powers, but he wished to have full explanation; and Lord Althorp said, that "it was stated that they could come to no satisfactory conclusion, unless the Committee had leave to send for papers, persons, and records. Such a permission would, he knew, be a very great increase of power; but could no information be afforded if this power was refused? He admitted, that a great degree of delicacy ought to be observed with respect to certain heads of the civil list. For his own part, he felt no desire to examine closely into them; on the contrary, he wished not to have such power." After the Report of the Committee, Lord Althorp stated, that the Committee had not the power to examine witnesses or records, nor to go into matters inconsistent with the dignity of the Crown; but added, that questions had been asked of him (Lord Althorp), and that so far he considered himself responsible. It thus appeared that the course taken in 1830 was taken advisedly, and that it was precisely the same with that pursued in the present reign. In conclusion, he would urge the House to confine its attention to the subject immediately before them, at the same time pledging himself to give his best attention to the Duchy revenues, in order to introduce a better system of management wherever it was practicable.

The *Speaker* said, that he had some doubts as to the propriety in point of form of the present amendment. The House would recollect that last night a motion for a Bill by an hon. Member was withdrawn because notice was taken that her Majesty's recommendation for taking the subject into consideration had not been previously obtained. From the facts of the question now sought to be introduced before the House, there could be no doubt that the revenues of the Duchies of Lancaster and Cornwall were vested in the Crown; and therefore, if any Member of Parliament would seek to propose any Bill which should interfere with those revenues, he was incompetent to do so without having previously obtained the consent of the Crown. If an hon. Member were incompetent under such circumstances to introduce a Bill on the subject, he thought every hon. Member must be equally incompetent to move an instruction to a Committee on another Bill which should operate indirectly towards the same end.

Mr. *C. Buller* hoped a mere formal objection on the ground that the consent of the Crown had not been obtained would not be suffered to present an insurmountable barrier to the consideration of an important national question like the present. The hon. and learned Member was proceeding to make some observations on the merits of the subject, when

Viscount *Sandon* rose to order. The Chair had expressed an opinion that this was a subject which, under existing circumstances, could not be entertained consistently with the orders of the House; and he had not heard any objections stated against that opinion. He conceived that the hon. and learned Member was incompetent to go on with the discussion of this question.

Mr. *C. Buller* asked whether the noble Lord really supposed that the Representatives of the people of England could be put off by such a miserable pretence as that? If he was not to be permitted to discuss the subject to-night, he should move as an amendment that the further debate on this motion be adjourned till Monday next. He really thought it rather extraordinary that such a question as this should have to be discussed at the present day.

The *Speaker* reminded the hon. Member that the motion before the House was an instruction to a Committee. If the House was of opinion that this was a motion which could not be entertained without the consent of the Crown previously obtained, the House should consider whether it was prepared to enter upon the discussion of a question upon which it was not competent to give a decision.

Mr. *Hume* inquired, whether an amendment could be moved upon the proposed instruction, or whether the instruction itself must be altogether withdrawn?

The *Speaker* replied, that in his opinion, where a proposition had been made which the House could not maintain, that proposition must at once drop.

Mr. *Hume* asked whether he were to understand that the House could not discuss any question relative to the Duchies of Lancaster and Cornwall without the consent of the Crown? If that were the doctrine laid down by the Chair, he (Mr. Hume) apprehended that it was quite a new one; for he had been in the House at least half a dozen times when this very subject was discussed.

The *Speaker* could not answer any question which did not refer to the matter immediately before the House. He had xpressed an opinion, that the proposition last moved was one which could not, under existing circumstances, be maintained by the House. In that opinion the majority of the House appeared to acquiesce, and he did not see any reason to retract it.

Mr. *Warburton* suggested, as an amendment, that the further consideration of this subject should be adjourned until her Majesty's Ministers had signified the consent of her Majesty to their taking the subject of the revenues of the Duchies of Cornwall and Lancaster into their consideration in connexion with it.

The *Speaker* said, that the Order of the Day for the House resolving itself into Committee on the Civil List Bill having been read, the question which would naturally follow was, that he (the Speaker) should leave the Chair. In the interim, however, an hon. Member had moved an instruction to the Committee, which was of a nature which he thought could not be entertained by the House. The question now was, whether the House would entertain another motion, of quite a different class, and not connected with the subject matter of the Bill, to intervene between the question that he leave the Chair. He believed it was competent to an hon. Member to move an instruction to the Committee upon the motion for leaving the Chair, but he was not aware that he could move anything else.

Mr. *Harvey* having moved an amendment which he found, owing to some form of the House, could not be put without the consent of the Crown, should certainly bow to the decision of the Chair and withdraw it. At the same time, as he apprehended that it was quite competent to any Member at this stage of the proceedings to move any motion which he thought proper by way of amendment, he should now move that this debate be adjourned until her Majesty's Ministers had signified that her Majesty had consented to allow the House of Commons to take the consideration of the revenues of the Duchies of Cornwall and Lancaster into account in connexion with the other hereditary revenues of the Crown, and to make such appropriation of them as they might think necessary. He (Mr. Harvey) could not believe that there could exist any desire on the part of her Majesty's Ministers to stifle so important a subject as this at the present moment, because the House should recollect that if it were not dealt with now, it could never in all possibility be taken up by them again. He should, therefore, take the sense of the House upon the amendment which he had just read.

The *Speaker* reminded the House of the resolution of the 24th of November, which declared "that upon days appropriated to orders, and a question being put from the Chair that an order of the day be read, no amendment shall be proposed, except that the orders of the day, or that any order set down for the same day, be now read; but that this regulation shall not apply to the case of a Committee of Supply, or a Committee of Ways and Means." He had already stated that the order of the day for going into Committee on the Civil List Bill had been read; since then an instruction had been moved to the Committee, which it was questioned whether the House could entertain. But he thought it was not competent to any Member to make any other motion previous to his leaving the Chair, unless in the form of an instruction to the Committee.

Mr. *Hume* asked, whether the House was to understand that an adjournment of this question could not be moved?

The *Speaker* said, there was no question before the House, unless the House were prepared to enter upon the discussion of the instruction to the Committee moved by the hon. Member for Southwark. If, on the contrary, this instruction were withdrawn, the question would then be put that he (the Speaker) do now leave the chair.

Lord *J. Russell* was understood to say, that he thought that if the question that the Speaker do now leave the chair were put, the hon. Member would be competent to move an amendment to that question. From what had fallen from the right hon. Gentleman in the chair, and from his own knowledge of the orders of the House, he apprehended that this could be done. He should therefore move that the Speaker "do now leave the chair."

Mr. *C. Buller* would move that the Speaker should not leave the chair till Monday. Well, that he should never leave the chair.

The *Speaker* said, it was essential that the House should put its own construction upon its own resolution. The question for the House to decide was whether, consistently with the resolution of the

24th of November, Members might move an amendment to the question that he now leave the chair.

Mr. *Aglionby* observed, that the resolution had arisen out of a report of a Select Committee which had sat last Session on the subject of the public business of that House, and was intended to meet the inconvenience which had resulted from the practice too frequently adopted by hon. Members of selecting the motion for the reading of an order of the day as an occasion for bringing forward motions of their own totally irrelevant to the subject matter of that order of the day. Such having been the origin of the resolution of the 24th of November, he thought that the present dilemma in the application of it might be got rid of, either by adhering to the spirit of the resolution itself, which intended that the subject matter of the order of the day should not be got rid of by irrelevant amendments, or by proceeding, in strict accordance with the words of the resolution, to the second order of the day.

Lord *J. Russell* said, that with respect to the form of the amendment by which the question for the Speaker's leaving the chair might be met, he believed that on former occasions it had been usual to move that the Bill be committed that day six months or that day three months, without the introduction of any matter irrelevant to the subject-matter of the Bill.

Mr. *C. Buller* said, it was his intention to move as an amendment that the Bill be committed on Monday. He did not wish to interpose any unnecessary delay in the way of public business, but he wished for the House to have time to ascertain whether her Majesty's consent would be given to it to legislate upon this subject. The Chancellor of the Exchequer had kept his word on this subject, for it was plain from the outset that he never intended to do anything satisfactory in reference to it. The revenues of the duchies of Lancaster and Cornwall were part of the revenues of the Crown, and he thought it rather extraordinary that they should be allowed to be retained in their present state, when every other branch of the hereditary revenues of the Crown had been given up, and this, as it appeared, only on account of some barbarous feudal rights which people chose to connect with the subject. The only object which could be had in view in so doing was to retain to the Crown, or rather to its advisers, the patronage over the numerous little offices and sinecures attached to the revenues. With respect to the duchy of Lancaster he personally knew nothing; but with the offices of the duchy of Cornwall he was better acquainted. The very same species of bad management which had been found to exist in reference to church property existed also in the affairs of the duchy of Cornwall; and so harassed and annoyed were the inhabitants by the vexatious restraints to which they were subjected that nothing but a complete reform of the system could satisfy them. Amongst the foremost of the grievances of which the inhabitants of this locality had to complain was the system of tin duties. He forgot the precise amount of these duties; but that was of no consequence, as it was not the amount but the mode of collecting these dues of which the people complained. There were only four appointed coining towns in the duchy, to one or other of which all the tin had to be taken before it could be disposed of, to pay the duty and be stamped. This produced a great delay, often obstructive to the arrangements of the producer, to say nothing of the expense of transport. The Duke of Cornwall was the only person in the kingdom who was not bound by any term of proscription, and therefore a claim once set up, arising at however distant a period, could never be lost. In one case, that of a large mining property, the only evidence set up was the payment of threepence to King John, and yet, that being held sufficient to prove that the property had once belonged to a Duke of Cornwall, a claim was established which nothing but an Act of Parliament could take away. But the duchy of Cornwall, besides its prescriptive immunity from statutory limitations, had the additional advantage of being able to do whatever it pleased with the evidence relating to any particular claim, either to withhold it or produce it, as was thought proper. It would be recollected, doubtless, by the hon. Member for Oxford University, who had participated with him in the delights of the record Committee's labours, that it was there stated that the records of the Duchy of Cornwall were private property, and held as the title deeds of an estate—that was to say, they were private as long as they chose, and public only when it was thought proper to produce them in court. Now, he asked, whether Parliament would allow such a tenure as this to remain, for which there was not a parallel to be found in all the revenues of the Crown? All that he wanted was to see them share the same fate as the other hereditary revenues of the Crown, to be managed by public officers, and made the subject of compensation in cases where it was thought proper. There was only one point more to which he wished to advert. It had been objected that these revenues did not belong to the Queen, but to the Prince of Wales whenever there might be one. Now this was an objection which certainly did not apply to the Duchy of Lancaster, and therefore he could not imagine under what pretence its revenues at least could not be given up. As to the Duchy of Cornwall, the case, he believed, was very different, for he found that even the great Lord Coke declared that "the grant of the Duchy of Cornwall was a great mystery," and ever since his time the spirit of that declaration had been duly acted upon, and as much mystery had been kept up on the subject of the hereditary revenues of Cornwall as any Prince of Wales, or other equally great personage could desire. He only wished that the Chancellor of the Exchequer would say that the mystery should cease. He trusted an end would be at length put to keeping up a system of jobbing and mystery, and which had existed for so long a time, and which tended to no possible good.

Lord *Eliot* remarked that, although he was willing to accede to the hon. Member for Liskeard the credit of having made a clear and perspicuous speech, still he could not help thinking that, if that hon. Member had listened attentively to the speech of the right hon. Gentleman, the Chancellor of the Exchequer, he would find that most of the grounds on which he had rested his views had been taken from under his feet. If he understood the speech of that right hon. Gentleman rightly, he took it for granted that measures would be introduced which would prove not more satisfactory to the country at large than to the county of Cornwall. He had the most perfect confidence that the right hon. Gentleman would introduce two Bills which would have the effect of removing, at least, a large portion of the grievances of which the hon. and learned Member for Liskeard had complained. He thought the whole system ought to be gone into, a better system of managemen and administration provided, and all mystery cleared away. If the right hon. Gentleman, the Chancellor of the Exchequer fulfilled the pledge into which he had entered, he should have his cordial conc r rence.

Sir *Charles Lemon* thought it right to advert in the first place to the courts of this Duchy. He believed the fact to be, that half the salaries of those employed in these tribunals was paid by the Government. He was inclined to believe, that the reason why no message was brought down from her Majesty, was because she had not been advised to make any, and he should vote for the motion for delay, in order to afford her Majesty and the Government time to arrive at such a conclusion as would be satisfactory to the House and the country. He felt very grateful to his right hon. Friend for the promise which he had made, not only that the accounts of the Duchies of Cornwall and Lancaster should be laid regularly before the House, but also that some new system should be introduced for the better administration of their affairs. But he must confess, that what was now proposed, was not at all satisfactory with reference to the ease and dignity of the Queen, and the satisfaction of her subjects. It was notorious—without wishing to prefer any charge whatever against the Duchy of Cornwall—that its rights and privileges had been very greatly encroached upon in former times, and that the Duchy, for the recovery of its just claims, was compelled to institute prosecutions in a way which was considered a grievance. The consequence was, that a state of warfare existed between it and almost every individual landholder in that part of the country. The engines which were brought to bear in conducting this system of strife and contention, were very properly described by the hon. and learned Member for Liskeard, and in point of fact, the whole state of things at the present moment in that district had a doubtful, uncertain, and let him add, an aggressive aspect. He did not think the honour of the Queen was consulted when she was asked to reap a harvest of litigation in what was wrung from her subjects by the process of law, and converted to the purpose of augmenting her revenues. He knew it would be asserted that this revenue attached to the Crown as one of its jewels, but he thought that the Queen might, without fear of the consequences, surrender this branch of her income, as Sir Harbottle Grimstone, who was Speaker in the year 1660, pronounced the abolition of the Court of Wards by Charles 2nd to amount to a forfeiture of one of the jewels of the Crown. Even supposing that the ornamental properties of this Duchy were retained—its administration, its title, and patronage—there seemed to be no reason why the revenues should not be carried to the general account of the country. This proposition was no new matter. By the 9th and 10th of William 3rd, the Duchy was included in the hereditary revenues surrendered in consideration of a civil list, and from that time to the accession of George 3rd, whenever the Duchy had been in the Crown, its revenues had not been distinguished from the small branches of the hereditary revenues. They had been told, too, that the Duchy of Cornwall was held in trust for the Duke of Cornwall, and that the time might shortly arrive when this title and its properties should be transferred. These two propositions he was inclined to deny. In the first place, it was not held in trust as a fee simple in the Crown, never to go out of it. The title of Duke of Cornwall was created by charter, and depended upon a secondary and incidental interest, and it so happened that from the reign of Edward 3rd. down to the present period it had been held for more than half that time by the Crown as an independent possession. The terms of that charter were peculiar, so much so that there was very great doubt whether the Queen's son could be Duke of Cornwall. That, however, was a matter beyond his cognizance. It was certainly unquestioned that the limitations of the charter were exceedingly peculiar, and that it had been hitherto interpreted literally; so much so that Henry 8th though the eldest living son, was never Duke of Cornwall; nor Charles 1st nor George 2nd nor George 3rd, the language of the charter requiring the Duke of Cornwall to be the eldest son of the King of England. Here arose the question—was this revenue continued in the Crown for the maintenance and education of the infant Prince? If the case were so, there was no distinction between that revenue and the rest of the civil list, which was a provision for the royal household. If it were not, it was wrongfully continued. He knew that the Prince's debts having to be paid in the year 1795, Sir John Anson, Attorney-General for the Duchy, claimed the arrears which had accrued during the minority, and they were found to amount to no less a sum than 233,000*l.* The revenues of the Duchy had since that time been considerably increased. If, therefore, they were now allowed to accumulate for the benefit of the Queen's son, the Prince might find himself in possession of such a sum as 600,000*l.* or 700,000*l.* Now he thought that there could not be a more unfortunate circumstance for a young Prince than that upon attaining his majority he should be entitled to receive so large a sum as more than half a million of money. He could not conceive a better prescription or device for educating and instructing a spendthrift king. Under these circumstances he thought that common sense pointed out the course to be adopted, namely, that those revenues should be assigned to the purpose of educating the Prince, and if they were so appropriated, he did not see why they should not be considered part of the sum voted for the maintenance of the royal household. This was a view of the question sanctioned by the approval of Mr. Fox, Mr. Burke, and many living authorities. The growing produce of the revenues of this country ought not to be destroyed in order to swell the private resources of the Crown. He was perfectly sure that if the course proposed were followed, it would bring her Majesty into dispute with several individuals, being her own subjects; and the time could not be far distant when it would also bring her into contention with that House, in consequence of the increase to her revenues which it would supply.

Lord *John Russell* said, he thought that his hon. Friend, who had just spoken with great force and effect, did not quite understand the proposition which her Majesty's Government were about to make. The hon. Member would lead the House to suppose, in the beginning of his speech, that no advice was given to her Majesty on the subject, and that an interval of a few days ought to be allowed, in order to lay the question before the Queen. Now, so far was this from being the case, that it might be gathered from the statement of his right hon. Friend that the question had been already submitted, that advice had been humbly tendered to her Majesty, and having been graciously received, Ministers proposed to act on the suggestions which were offered. That advice was, that to all those evils which his hon. nd learned Friend, the Member for Liskeard (Mr. C. Buller) had pointed out, a sufficient and adequate remedy should be applied. It was stated, that this source of revenue was attended by circumstances which in many instances were inconvenient and vexatious. It was asserted, too, that in point of fact, greater expences were incurred, and a more numerous train of offices kept up than were requisite for the proper management of the Duchy. With respect to these subjects, we have submitted our advice, and we are authorised to introduce Bills to promote the better management of those revenues, in order that the whole of the offices belonging to them should be inquired into and altered, and a greater security for continued better management being afforded by the accounts being laid every year before Parliament, giving a statement with respect to the income and disbursement of these Duchies. He thought, therefore, that so far as the statement of his hon. and learned Friend regarded the evils of the present system, her Majesty's Government had proposed a remedy for all those which he had pointed out. His hon. Friend had a way of his own in proceeding to remove those defects. He must correct them by introducing Bills and undertaking the office of Ministers of the Crown, for effecting that which they assented to and proposed. They had submitted the same proposal which the hon. Member would make for the reform of these establishments, should he, instead of the responsible Ministers of the Crown, introduce measures for accomplishing that object. He should suppose that the hon. Member was ready to bring under the notice of Parliament the reforms which Ministers had already undertaken. He, however, should say, that there were many questions connected with the Duchies of Cornwall and Lancaster that would require a good deal of time to examine, and considerable research in matter of details and attention to various circumstances in framing a remedy. With respect to the tin dues, the complaint always urged on the part of the people of Cornwall was—that they were subject to peculiar dues which raised the value of tin on import. He thought the hon. Member for Kilkenny, who, he believed, was about to address the House, would agree with him that a change might be effected, embracing a simpler mode of collection and keeping in view the import duties on tin as compared to the peculiar advantages with respect to other metals which the people of that part of the country enjoyed. He was persuaded that this question should be looked into, with a view not only to prevent the peculiar grievance, but to advance the general interest of the country. Well, then came the point of greatest difference between the proposition of the hon. and learned Member for Liskeard and the motion which the Ministers meant to submit. The hon. and learned Member proposed that the whole of these revenues should be surrendered by the Crown to the public management, and that an equivalent should be given to the Crown for the loss of this revenue. Now Ministers had to state that on considering this whole matter of the revenues of the Crown they reflected that here was an ancient and accustomed revenue received for centuries in some respect or other by the Crown They then had to determine whether it was for the advantage of the Crown and the public that an ancient revenue of this kind should be commuted for a species of revenue of a different description, it never having been applied to the discharge of the expenses of the country, or to any general liability for the support of the army and navy. Well, then, could they advise the Crown to part altogether with these revenues, in order as the hon. and learned Member for Liskeard said, that it should receive an equivalent from the public? They certainly did not consider it their duty to make that proposition. The hon. and learned Gentleman had stated that he was ready to propose a sufficient equivalent. He did not believe that the House would assent to the proposal, or so ill represent the country as to say, "The present Queen shall have a less revenue than her Royal uncle, or the present is a time when the just and fair income of the Crown ought to be diminished." He was afraid that the revenue proposed to be granted instead of the ancient and accustomed income would be more grudged and given less willingly than that for which it had been substituted, which stood on a footing of prescription, and which had never been interfered with in the manner which had been laid down. Why if, instead of the present motion, Ministers had come down and given their assent to the surrender of the whole of the revenues, and resolved that every shilling should be placed at the disposal of Parliament, there would be found one Member at least—he meant the Representative of Southwark—to exclaim, "It is very well to make this nominal surrender, but you charge it on the civil list, and thus grant an equivalent for what you profess to take away." No doubt that would have been the language of the hon. Member for Southwark and others, and therefore he was confirmed in the opinion that if her Ministers were to advise the Crown to make such a surrender, they would recommend that which had never before been attempted, and which, so far from proving satisfactory, would be met by the announcement—"We were told we should be called on for no equivalent; you have no right to any." And if an absolute increase of the revenues of the Crown were made to the extent of 30,000*l.*, or 40,000*l.*, or 50,000*l.*, it would be represented as an augmentation of her Majesty's income, which had never been received by her predecessors. Then did they not judge right in saying, "While we are ready to reform abuses and have the acquiescence of the Queen in the steps which we mean to take for the better management of the properties of these duchies, and whilst we disclaim all mystery as to the income which the Crown may receive, we are not prepared to make the surrender which is pointed out, particularly when the civil list is not greater than was granted to her Majesty's uncles, and not greater, I am sure, than the people of this country would be willing to pay; for I venture to assert that it is not the opinion of the people of this country that we should show on this occasion a more niggardly disposition towards her present Majesty than that exhibited to her predecessors" He thought Ministers had done right to submit the civil list which they had introduced, and not to make a surrender of those revenues which, while it should involve a considerable diminution of the fair rights and former property of the Crown, would produce no satisfaction, but lead to opposition for compensation as a new claim, and while that surrender tended to weaken and impair the splendour of the Crown, it would not prove agreeable to the people.

Mr. *Hume* was glad that the abuses of the present system by which this duchy was managed, were, at all events, acknowledged. The propositions which the right hon. Gentleman made would be of great advantage; for they would tend to show what the real revenue of this duchy was, not the present income derived from it; for that, he feared, would be found small, owing to the gross mismanagement which had prevailed, but which it might be made to produce. The next improvement to be desired was, that the care of these revenues should not be left to an irresponsible person, but intrusted to that House. Now, here arose a question which was of the greatest importance. The people of England ought to know what were the whole of the revenues which appertained to the Crown, and the revenues of these duchies were never brought before the Civil List Committee. The consequence was, that the Committee recommended a grant which they considered sufficient and adequate to maintain the dignity and honour of the Crown. The sum recommended to be given was 385,000*l.*, in addition to which these duchies, if properly managed, would yield 100,000*l.* a year. Now, was that too much or too little? Should the Queen change her mind, or her advisers, would she be bound not to take a larger amount than was now intended to be given? The chance was, that those who succeeded the right hon. Gentleman, the Chancellor of the Exchequer, would have a different opinion, and it was on that account that he wished to have the abuses which had been pointed out prevented in time, and an ameliorated system adopted. He regretted extremely that her Majesty's Ministers had not advised the Queen openly and fairly to put an end to the abuses which existed, and to trust to the liberality of that House, which, if it saw the opprobrium of the ill-managed system, under which those duchies were placed, put an end to, would not raise a single dissentient voice to the proposition of a liberal compensation. He thought the present motion extremely ill-judged, and not calculated to effect the object which her Majesty's Ministers had in view.

The *Chancellor of the Exchequer* observed, that, so far from finding fault with the discussion which had been that night entered into, he was rejoiced to find that there were many and essential points in which those who had spoken entirely agreed with the Government. A reflection had been cast on him as if he had not stated the facts of this case at the very commencement of the Session. The points in which all seemed to concur were, first, that the attention of the Legislature should be called to the import duty on foreign tin; next, that the leasing power which appertained to the duchy of Cornwall should be so amended as to give a protection to property in that county analogous to that which existed with regard to other property. The next point was as to the better management of offices, an object which would be accomplished by having the accounts submitted on proper responsibility, so as to afford an opportunity to correct the abuses which might be proved to exist. His hon. Friend (the Member for Kilkenny) had stated that the question of the retention of the duchies of Cornwall and Lancaster had never been submitted to the Committee. Why, that question formed the basis of all the discussion on this subject. Supposing that an equivalent was voted for the loss of ancient territorial possessions, it must be drawn from the consolidated fund, and would constitute a charge not very palatable to the community. As to the fears of his hon. Friend that the remedies now proposed would be counteracted by those who might succeed to the present Ministers, he should, so far as he was concerned, give no ground for the apprehension, inasmuch as, after the holidays, he should, in his capacity of Minister of the Crown, introduce the practical measures of which he had given notice. He should certainly introduce these Bills in good faith, and with every disposition to give a remedy for every one of those cases of abuse which had been stated by hon. Members. With this understanding, he did hope there would be no additional delay in respect to the bill under discussion.

Mr. *G. F. Young* thought, that the people of England sought, not only in regard of the civil list as well as every other topic, not only for knowledge, but the fruits of knowledge. They wanted some benefit from the reforms which it was announced were to take place. What he wanted to know was, what would be the benefit to the public of investigation into the nature and management of the duchy revenues if any improved income which might result from it was to pass to the Crown? In his humble opinion, the Crown should depend upon its hereditary revenues entirely, or else throw itself upon a loyal Parliament, with full confidence that a fair provision would be made for the maintenance of its dignity. He thought the transaction was liable to no small suspicion. It was said that the sum of 385,000*l.* was sufficient to maintain the dignity of the Crown, and that the hereditary revenues were equivalent to that amount. Then why, he asked, should Parliament be called upon to vote that sum? Again, he would be glad to know whether, in the event of an heir apparent appearing to claim the revenues of the duchy of Cornwall, Parliament would be expected to supply the deficiency, which, if the statement of the Government was correct, would then occur in the Queen's income? If the revenues of that duchy were necessary as a portion of the present settlement, it was obvious that the present settlement would be inadequate upon their deduction. This was a matter which he thought called for some explanation.

Sir *R. Inglis* said, that the hon. Members for Southwark, Liskeard, and Kilkenny seemed to have forgotten one main point of the question—namely, that this was a bargain. Now, supposing that any proprietor having property in different counties consented to surrender property situated in one or more of those counties, upon certain understood or agreed upon conditions, must it follow that that proprietor was to be called upon to surrender the remaining property, which was not included in the agreement at all? The Crown had surrendered a certain portion of its hereditary revenues on certain conditions. Those hereditary revenues which it still enjoyed were admitted to be its private property; and was it common sense or common justice to place the Crown, in respect to its private property, in a condition in which they would not consent to place any other proprietor in the land? Would they attempt to act in this way with respect to the property of the Duke of Devonshire or any other great proprietor? The Chancellor of the Exchequer had endeavoured to conciliate the hon. Member for Southwark; but that Hon. Member was too acute, and well knew that he would not agree in what he desired. Now, if this was private property, he did not see why they should call for a return of that property to be laid before Parliament. Either it was private property or public property. If it was public property there would be an end to the discussion, and if it was private property, held as other private property, they could not fairly be entitled to interfere in its management. If the Ministers of the Crown held that this was private property, why should they not, in common consistency, come forward and tell the House that they had no more right to interfere with the duchy of Cornwall than with any other private property whatsoever? The hon. Member for Southwark, though he had not attained the object at which he aimed, still gained from the Government an admission which would not have been made by any of their predecessors in office. They consented to make that House a sort of auditors of her Majesty's accounts, and to that extent they were interfering with the management of what, he contended, was the private property of the Crown.

Mr. *Warburton* contended, that the vesting of the duchies of Cornwall and Lancanster in the Commissioners of Woods and Forests would be of great advantage not only to the local inhabitants but to the country at large; and he did not see how Government could refuse to accede to the proposition when an ample equivalent was given. It was a great hardship that the Nullum Tempus Act should be available for the claims made under these duchies when it was abolished everywhere else, even to the claims of the Church and all other claims of the Crown. If the property in these duchies could be improved, the advantage thus accruing ought to be made available for the public benefit. This principle was the one adopted by Ministers in the bill of last Session. They contended that if by a new arrangement of the possessions of the Church a new or increased property would be made, that increase should go, not to the benefit of the Church, but to that of the public. He did not know how, under the present circumstances, Government could refuse to acknowledge and act upon the same principle with respect to these two duchies.

Mr. *Baines* did not think the hon. Member for Bridport had made out his argument. If they would refer to the origin of the duchy of Lancaster it would be clearly seen to be private property. as respected its annexation to the Crown. This annexation took place on the accession of Henry the 4th, and that monarch made a special provision that it should not merge in the Crown, but lie in his successors. Though the present Queen might not have much of the blood of Henry the 4th, she still inherited this duchy from him, and it was a matter of grace and favour in her Majesty to permit this annual Parliamentary inquiry. If the amendment were pressed to a division he would not vote in any way which would violate the right of private property.

Mr. *Brotherton* thought, that if the public were to have the trouble of improving the duchy revenues, while all the benefit was to go to the Crown, they would be losers instead of gainers, by the transaction. What he should propose was, that in proportion as the rentals of the duchy estates were increased there should be a deduction from the Parliamentary grant.

Mr. *Harvey* said, that as a new question had been brought before the House he should claim its indulgence for a few moments. In his opinion the hon. Baronet, the Member for the University of Oxford, had raised the interest of the question. They had heard much lately of "fine old English gentlemen;" for his part he liked, of all things, to hear a fine old English prerogative Member of Parliament. That hon. Baronet had hardily and at once stated that the revenues of these duchies were the private property of the Crown, and that Parliament would have no more right, and just as much, to break open his iron chest and appropriate his money as to claim these revenues. That was intelligible language, and he quite believed him when he said that if he were Minister he would not incur the responsibility of proposing the arrangement suggested by Government. He agreed with the hon. Baronet, Ministers either went too far, or not far enough. They amused themselves with dandling the dwarfish and rickety child of expediency, but it was now full time to give over. Surely it was time after the lapse of seven years to give up playing the wet-nurse with their bantling, and allow it to assume the form and features of human life. They were told that this was a bargain with the Crown. If so, it was a one-sided bargain. They were told that her Majesty was willing to place the property of the Crown at the disposal of Parliament, and to be henceforward a munificent usufruct for the public treasury, and for this that the House was called upon to make an adequate return and nothing more. Now he would appeal to the commercial Gentlemen in that House—to those who were conversant with pounds, shillings and pence. He would ask them to run over the balance sheet of this account and say whether the return to be made was "adequate and nothing more." There was proposed on the one hand a solid sum to be paid quarterly out of the resources of the country, and without any reduction, and for this princely and munificent allowance what was to be the return? Why, the droits of the Admiralty and the four and a half per cents. Let the House look to the report of the Committee, acting under the view of the right hon. the Chancellor of the Exchequer, and in which, of course, not a single farthing of the equivalent for the 385,000*l.* was omitted. What was the total amount, extending over a period of six years during the reign of the late King? Why, the whole sum was less than 70,000*l.* He would not stop to ask who it was that drew up the report, but every farthing was crowded into it, with singular dexterity, which was to swell up the sum; yet it appeared from the introduction of the report that it might not amount fully to 70,000*l.* This bagatelle, spreading over so many years, was to be the equivalent for 385,000*l.* It might be said that he indulged in exaggeration on this point; but he would answer, let Government look at its own report. They would find that the sum actually payable and applicable to the public service from the casual hereditary revenues would amount in the aggregate, to 67,000*l.* 18*s.* 8*d.* and the estimated further sums applicable were 3,483*l.* 11*s.* 9*d.* This was the statement in their own report. They made a boast, in the introduction to the report of a sum of 70,684*l.* 10*s.* 5*d.* Now one not accustomed to analyse these reports with the close and scrutinizing eye which the fulfilment of what was due to the public required, might infer that this was equal to 70,000*l.* per annum, but on looking over the time through which it extended it would be found not to amount to 12,000*l.* per annum. But then it would be said this account did not embrace the revenues of the Woods and Forests. On this point it was well to have the documents before them, as they were necessary to be referred to. He held in his hands the last reports with respect to these revenues, and though the receipts from that source were very considerable, they did not in the year, to which the report referred, amount to 5,000*l.* to go to the account of the public. Would the House believe, that, after credit given for the rents of parks and other Royal grounds; the expenditure for keeping in order the parks of Windsor, St. James, and others, exceeded the receipts by 34,000*l.* per annum. When the benefits accruing to the Crown from this bargain were taken into account it was not fair but to give up all in return. In reference to the hon. Member for Kilkenny, whom he was pleased to see enjoying his uninterrupted nap in the midst of the debate—[*Laughter during which Mr. Hume lifted up his head*]—he begged pardon, perhaps the hon. Gentleman was only thinking; but that hon. Gentleman had stated, as one of the Committee, that the provision of 385,000*l.* as a civil list was deemed abundantly ample to support the splendour, the dignity, and the comfort of the Crown. Now he would put a question to the right hon. the Chancellor of the Exchequer, and he would be governed by the answer to it. If the estimate of the civil list was made on the ground that, not being in itself sufficient, her Majesty should derive additional advantages from the duchies of Lancaster and Cornwall, he would be willing to vote any further sum which might be expected to arise from these sources of revenue to make up what might be supposed necessary to uphold the dignity of the Crown, and fulfil the wishes of her Majesty. He would not ask the right hon. Gentleman to take the ground on which the hon. Baronet the Member for the University of Oxford had taken; but he would appeal to him, to consider the opinion of those who thought that the property of the duchies of Lancaster and Cornwall could be more judiciously appropriated by the Queen. If the property were as the hon. Baronet opposite considered, of a private character, though her Majesty was so much occupied with the affairs of state, there was no doubt that she possessed enough of hereditary character to watch over her own self-interest and consult her own advantage. But that was not the point at issue. The question was, what was to be the result of the inquiry, and what was to be the realization of the promises held out by Government upon this subject. There was besides to be considered what would be the result as to this matter in another place. Suppose a majority in the other House should sympathise with the old fashioned notions of the hon. Member for the University of Oxford. How would the Government then act? The present was their only time. No one in that House would oppose his consent to a Royal Message, consigning this property to the control of Parliament. Such was now the sensitive zeal for acceding to the wishes of Royalty, that though protests might be entered, and mournings and lamentations might take place over the onward march of democracy—that text so pregnant with frequent lamentable commentary—after hon. Gentlemen opposite had thus eased their minds, and soothed their consciences, they would end by acquiescence in the Message. This was not the time for Ministers to shrink, nor for the House to hesitate in its duty. When the 385,000*l.* was granted, what would avail the Government their small majority in that House or their large minority in the other? What would it avail to say, then, that the question would have been canvassed, that inquiry would have been entered into, and that a fair appropriation would have been made? The question was a simple one of compact, but the account as it stood, was a one-sided act, and whether he had with him few or many he would take the sense of the House upon the question. It was said that if the question was not set at rest now, that the stern duties of Christmas would intervene between the Bill and the Royal fiat. Perish the Bill if it interfered with the principles of right and justice. The civil list could be granted next year, but, if the House proceeded with the present proposal, the Act was irretrievable. The arguments which had been used for haste had been before resorted to by Lord Althorp. A smiling assent had been given to the same objections, and it was said, that they could be urged at a future period; but he would tell the House and the country, that unless they interposed now, the matter was hopeless, and that any reliance upon remedying the evil in future was but sheer delusion. The improved management of the property in question would realise little short of 100,000*l.* per annum, and, if inquiry was now precluded, upon what ground could they hope to retrieve this property from the Crown without granting a full equivalent? If it were really the property of the Crown, which he denied, why, then, let the Crown enjoy it; but the Crown did not possess one shilling which it did not owe to the people. The Crown could have no possession, either in money or in land, which was not property under the control of Parliament, and though the House might now be induced to act a crouching and subservient part, both old and modern times could assert and authorise this doctrine. It was the doctrine of Burke, it was the doctrine of Fox, and in more modern times it was the doctrine of the President of the Council, who, in the other House, in 1816, repudiated the notion that the Crown could possess any property of its own. Was that House, that reformed House, to repudiate such a doctrine? Were they about to revert to the slavish times of the Charleses and the Jameses? Why should they occupy themselves with discussion on the paltry sum of pensions of 300*l.* for literary eminence, when they were about to give to the Queen 100,000*l.* to do with as she pleased? But, forsooth, the Chancellor of the Exchequer said that an account of the expenditure would be submitted. Even supposing this, what was to be the exchange for this insight into the social estimate of management, rentals, expences, and fines? Why, they would learn that it was the Royal pleasure to grant 1,000*l.* to this person, and 1,000*l.* to that, but they would have no power of chastising or correcting the application of the Royal bounty. It might be applied either to the wants of a faithful servant or the cravings of a suspicious attendant. It was to guard against this, to prevent such a vast sum from being applied either to purposes of corruption or peculation, that its administration should be at the control of the House. He knew that the House, though it might call itself reformed, and express sympathy with the people, was influenced by no such sentiment. If the present Government were on the opposite side of the House, and then such a proposition were made, they would be found its most strenuous opponents. How the right hon. Baronet opposite would be denounced by them if he had made such a proposition! What a theme it would be made that Government should give such extreme power! What, then, was to be thought of those who, in power countenanced a proceeding which under other circumstances, they would have so loudly denounced. Whilst they boasted of stopping some paltry pensions, they proposed to give to the Queen an immense revenue, which, besides its great annual amount, had still the more fatal effect of conferring immense patronage. Unless the House interfered, it was impossible to say what was the amount of influence which would be thus placed in the hands of the Crown. He would repeat, that if such a proposition were made by those on the other side, every one of the Gentlemen now on the Treasury Benches would be found in opposition to it. It had been said, that if the present Government were displaced, the march of intellect would be greatly impeded. Impeded, indeed! The march of intellect impeded by the removal of a Ministry which proposed to grant such an amount of money and of patronage without any responsibility! The Act would be but a farce if such a property were placed at the disposal of the Sovereign without the control of Parliament. So far from the removal of the present Ministry being fatal to the march of intellect, the calamity was, that the public had not the aid of their powerful opposition when such a proposal was made. He doubted very much whether, if hon. Gentlemen opposite were in power, they would have the hardihood to make such a proposition. He perfectly recollected (and he was sure the right hon. Member for Tamworth, recollecting the effect which the exercise of his temper produced on the occasion, would confirm his statement) when an hon. and learned Gentleman, afterwards Lord High Chancellor, declared it to be the result of his deliberate judgment that these funds ought to be made available, if necessary, for public purposes. Lord Althorp stated also that such was his impression. But what was the use of an impression if that impression were not carried into effect? It had been stated that the reason why it was not so was, that Ministers had misunderstood their royal master. They could have no plea of that kind at the present time. Their late master might have been familiar with these claims, and might have founded calculations upon them; but no such feelings could exist at present. Let it not be said that her Majesty could by possibility have descended to the consideration of such matters. What could she know of the tin mines in Cornwall, or of the land in Lancaster? He had no doubt whatever that, if her Majesty's Ministers had only hinted to her that these revenues ought to be placed at the disposal of Parliament, she would most readily have complied with the suggestion. He trusted he had sufficiently shown the delusive character of the present proposition. If the Crown conceded these mighty rights as a boon, why not reject the civil list, and let the Crown resort to its own property? Why take advantage of her Majesty's tender years, and induce her to enter into a compact so prejudicial to her? By a paper which had been laid on the table of the House, on the motion of the right hon. Baronet, the Member for the University of Oxford, it was made to appear that the proposed arrangement would be greatly prejudicial to the Crown. He would not enter into particulars to show the delusive character of that paper. The people did not want to obtain any advantages from the Crown; but they ought not to be cheated by a delusion. All they were to obtain for the 385,000*l.* a year which they were about to grant to her Majesty was 12,000*l.* arising from the hereditary revenues, and the revenue arising from the Woods and Forests, which in no case could exceed 6,000*l.* a year; and which was so shackled that it recently amounted to only 5,000*l.* He had done his duty. He should take the sense of the House on the present proposition; and would adopt any other measures calculated to give her Majesty's Ministers an opportunity of conferring among themselves, and with their royal mistress. However the public mind might at present be hurried away by exaggerated feelings of loyalty, Government would soon find an equally anxious disposition manifested to secure public justice.

The House divided on the question that the Speaker do leave the chair:—Ayes 184; Noes 52: Majority 132.

List of the Ayes.

Acland, Sir T. D.
Acland T. D.
A'Court, Captain
Adam, Sir C.
Alsager, Captain
Anson, Hon. Colonel
Attwood, W.
Attwood, T.
Baines, E.
Baker, E.
Baring F. T.
Barnard, E. G.
Barrington, Viscount
Bateman, J.
Beamish, F. B.
Bellew, R. M.
Bentinck, Lord G.
Bernal, R.

Blackett, C.
Blair, J.
Blennerhassett, A.
Borthwick, P.
Bowes, J.
Bridgman, H.
Briscoe, J. I.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bryan, G.
Bulwer, E. L.
Callaghan, D.
Campbell, Sir J.
Carnac, Sir J. R.
Cayley, E. S.
Chaplin, Colonel
Chapman, A.
Chetwynd, Major
Clive, E. B.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Dalrymple, Sir A.
Denison, W. J.
D'Eyncourt, right hon. T. C.
D'Israeli, B.
Divett, E.
Douglas, Sir C. E.
Duff, J.
Dundas, F.
East, J. B.
Eaton, R. J.
Ebrington, Viscount
Elliot, Lord
Ellice, Captain A.
Ellis, J.
Etwall, R.
Fazakerley, J. N.
Ferguson, Sir R. A.
Fergusson, right hon. R. C.
Fitzalan, Lord
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleetwood, P. H.
Forbes, W.
Forester, hon. G.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, J.
Gibson, T.
Godson, R.
Gordon, R.
Gore, J. R. O.
Gore, O.
Goring, H. D.
Goulburn, rt. hon. H.
Greene, T.
Greenaway, C.
Grey, Sir G.
Hallyburton, hon. D. G.
Hastie, A.
Hay, Sir A. L.
Hayter, W. G.
Henniker, Lord
Hinde, J. H.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holland, R.
Holmes, W.
Hope, G. W.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Inglis, Sir R. H.
Irving, J.
James, Sir W. C.
Kirk, P.
Knight, H. G.
Labouchere, right hon. H.
Lambton, H.
Lefevre, C. S.
Lennox, Lord G.
Lockhart, A. M.
Lygon, hon. General
Lynch, A. H.
Mackenzie, T.
Macleod, R.
Macnamara, Major
Marton, G.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
O'Brien, W. S.
O'Ferrall, R. M.
Ossulston, Lord
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmer, R.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Pechell, Captain
Peel, rt. hon. Sir R.
Phillpotts, J.
Polhill, F.
Ponsonby, hon. J.
Price, Sir R.
Pryme, G.
Ramsbottom, J.
Ramsay, Lord
Redington, T. N.
Rice, rt. hon. T. S.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rose, right hon. Sir G.
Round, C. G.
Round, J.
Rushout, G.
Russell, Lord J.
Sandon, Viscount
Sanford, E. A.
Seymour, Lord
Sheil, R. L.
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Somerset, Lord G.
Standish, C.
Stanley, E. J.
Stewart, J.
Stewart, J.
Stuart, Lord J.
Strangways, hon. J.
Style, Sir C.
Sugden, rt. hon. Sir E.
Surrey, Earl of
Talfourd, Sergeant
Thomson, rt. hn. C. P.
Townley, R. G.
Tracy, H. H.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tufnell, H.
Vere, Sir C. B.
Vivian, J. E.
Wall, C. B.
White, A.
Wilberforce, W.
Wilshere, W.
Wood, T.
Worsley, Lord
Woulfe, Sergeant
Yates, J. A.
Young, J.

TELLERS.

Steuart, R.
Wood, C.

List of the NOES.

Aglionby, H. A
Brocklehurst, J.
Brotherton, J.
Buller, C.
Butler, hon. Colonel
Chalmers, P.
Chapman, L.
Clay, W.
Codrington, Admiral
Dennistoun, J.
Dick, Q.
Duckworth, S.
Duke, Sir J.
Duncombe, T.
Easthope, J.
Fielden, J.
Finch, F.
Grimsditch, T.
Grote, G.
Hall, B.
Hawes, B.
Hawkins, J. H.
Hindley, C.
Horsman, E.
Humphrey, J.
Hutton, R.
Jervis, J.
Jervis, S.
Kemble, H.
Langdale, hon. C.
Leader, J. T.
Lemon, Sir C.
Lushington, C.
Marshall, W.
Martin, J.
Molesworth, Sir W.
Pattison, J.
Philips, M.
Protheroe, E.
Salwey, Colonel
Strutt, E.
Tancred, H. W.
Thornley, T.
Tollemache, F. J.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Whalley, Sir S.
Williams, W.
Young, G. F.

TELLERS.

Harvey, D. W.
Hume, J.

CIVIL LIST.] The House resolved itself into a Committee.

On the third clause, that an annual sum of 385,000*l.* be granted to her Majesty out of the Consolidated Fund, &c.,

Mr. *Hume* would shortly state his objections to the vote. He did not think it was in accordance with the principle on which the House had acted with reference to other establishments. It was founded on the civil list as settled in 1816, one of the most extravagant periods of modern times. We had endeavoured to reduce the other establishments, and to render them conformable to the present prices, and why should not the royal household be reduced? He had expected that, in order to consult the credit of the Crown, the real dignity of which could be consulted only by the adoption of such a course, her Majesty's Ministers would have proposed some reduction in the expenses of the royal household. He did hope that the time had arrived when they should be allowed to return to the quiet and less expensive times that existed before the commencement of the French war. This was the feeling that animated the Members of the present administration when, in the year 1817, they pressed upon the then existing Government the appointment of the Finance Committee, which Committee, in its first report, recommended that all the establishments of the state should, with as little delay as possible, be reduced to the same scale as that upon which they existed in the year 1792. What was the result of the report? A very considerable reduction of almost all the war establishments. This took place under a Tory Administration. But what did the present Government do? They did not allow the House to institute any comparison between the present time and the year 1792, but demanded that the civil list should be fixed upon the same expensive scale as that of George 4th. The hon. Gentleman then quoted extracts from a number of Treasury minutes, and from the Reports of Select Committees appointed under different Administrations from 1816 to 1831, for the purpose of showing the strong and unanimous opinion which prevailed on all sides, and with all parties, that all the establishments of the country should be reduced to the same scale as in 1792. True to the opinion expressed, most of the establishments, with the exception of that of the civil list, had been materially reduced. But whilst the other establishments had been diminished to the extent of 94,000*l.* a-year, it was absolutely proposed that the amount of the new civil list should be increased by no less a sum than 10,000*l.* a-year. What cause was there for this? He did not object to the first item upon the civil list—the sum allotted to the privy purse. He was not disposed to interfere with a sum which for upwards of half a century had been provided for this branch of the royal expenditure. The second class of items comprehended the salaries of the great officers of state, those of the officers and menial servants of the royal household, and the superannuation and retired allowances payable to persons of the latter class. These were the items to which he objected, as having been made extravagantly, as having been carried up to the high pitch of war prices, and as never having been reduced; whilst it was notorious that the pay and emoluments of almost all the officers in all the other establishments had been materially diminished. It was the duty of the House to avail itself of this opportunity to begin the work of reduction as regarded the salaries of officers deriving their pay from the civil list. This would become apparent when he mentioned that the expenses of the Lord Chamberlain's office now amounted to 66,000*l.*, whilst in the reign of George 3rd they amounted only to 48,000*l.*; that the expenses of the Lord Steward's office now amounted to 36,000*l.*, whilst in the reign of George 3rd they amounted only to 29,000*l.*; that the expenses of the office of Master of the Horse amounted now to 20,600*l.*, whilst in the reign of George 3rd they amounted only to 12,700*l.* Thus it would be seen that in three offices only there was an excess of 31,000*l.* as compared with the year 1792. What ground was there to justify this large increase? The same observation applied to many other offices connected with the civil list. In the Committee up stairs he had called for a return of the number of clerks employed, and the amount of the salaries paid to each of them. A return was made in consequence of his motion, but it was so extremely imperfect as to be far from satisfactory. He contended, therefore, that the House ought not now to agree to the Report of a Committee which Committee had not been furnished with adequate information to enable it to come to proper conclusions. It seemed that the pay of the yeomen of the guard, mere officers of state, amounted to upwards of 33,000*l.* What necessity was there for such a charge as that? The menial servants were necessary no doubt; but their salaries did not amount to more than one-third of the sum paid to the yeomen of the guard. But the most preposterous, the most outrageous thing of all was, that the expense of keeping the accounts of the civil list amounted to 10,000*l.* a-year. The annual expense of the establishment of clerks and paymaster in the Lord Chamberlain's office amounted to 3,110*l*., and the mere expense of keeping the accounts in that of the Lord Steward to 4,728*l*. Thus it appeared that a sum of nearly 10,000*l*. was annually expended for the mere purpose of keeping accounts—accounts which, he would venture to say, would be much better kept by officers of a different description for less than one-third of the amount. He objected, too, to the superannuations and retired allowances, many of which ought to be reduced. But there were two offices against which he had most strongly protested in the Committee, and which he certainly hoped the Throne would abolish: he meant the offices of the governor and constable of Windsor Castle, whose salary was 1,120*l*. a-year, and the lieutenant-governor, whose emoluments amounted to 173*l*. a-year. These offices were both of them perfect sinecures, and ought to be expunged from the list as brought under the consideration of the House as totally indefensible. Then, again, there was the Master of the Buckhounds, with a salary of 1,700*l*. a-year. Such an office, in such times, could not be defended—it ought to be abolished. The pressure of taxation upon the general comforts of the people was not sufficiently considered. The new civil list had been prepared in such a way as to bring upon the Queen all the odium of maintaining a large, expensive, and unnecessary establishment—such an establishment as existed only under that most profuse and extravagant of monarchs, George 4th. It was not dealing fairly with the country that Parliament should now be called upon to keep up establishments at an expense that could not be justified by war prices. This was not his opinion only—it was the opinion of the last five Committees which had sat upon the subject of the civil list. He held in his hand extracts from the reports of five several civil list Committees. That of 1802, when the civil list was for the first time brought under particular examination, reported that on the average of the six years prior to the war the expenditure was kept within the average limits of the estimates, and never had exceeded them; but that it was solely during the last three years, from the year 1792, any excess had taken place, and that had arisen in consequence of the increased price of provisions and other articles of consumption. But in making that statement, and sanctioning the increase of the allowances, the Committee held out a hope that the public would perceive a reduction in them when the prices of provisions were reduced. In 1812 the Committee stated the same thing, and called on the House to make some attempt to return to the old scale of allowances. In short all the Committees expressed themselves to the same effect. He would ask then why, since everything was comparatively low in price at present, and the causes for the increased allowances, which were perfectly intelligible at the time, but which now no longer existed—why should the Government not attend to the recommendations made by those Committees? The country had now been at peace for upwards of twenty years, and yet no attempt was made on the part of the Government to act upon their recommendation, and to restore the civil list to what it was in 1792. It was time, therefore, that the House should take the matter into its own hands, and with that feeling he should conclude by moving that the amount of the present resolution be diminished by the sum of 50,000*l*.; that was to say, that it be reduced from 385,000*l*. to 335,000*l*.

The *Chancellor of the Exchequer* rose to defend the resolution as adopted in the Committee. He begged to remind the hon. Member for Kilkenny, that when he compared the establishments of 1792 with the establishments at the present time, he was endeavouring to institute a comparison between two periods which had but little in common with each other. Since the period to which the hon. Member was so much in the habit of referring, a very great and a very beneficial change had been effected in every one of those departments of which the hon. Member most complained. In earlier times, the mere official salaries that were paid constituted but a very small portion of the emoluments actually received. In earlier times, as the hon. Member for Kilkenny well knew, there was a vast amount of fees, of perquisites, and of other emoluments, which did not find their way into the estimates in the shape of salary, but which were nevertheless included in the charges of the several departments. In consequence of suggestions frequently urged upon the House since the year 1812, and especially by the hon. Member for Kilkenny himself, a commission of inquiry was appointed to look into the whole of the fees of the household, with the view of amending the system. The commission prosecuted its inquiry with considerable success, and the result of it was, that the system had been more or less amended. The object that the Government now had in view was to carry the amendment still further; and as far as possible to get rid of fees altogether. But suppose that the proposition of the hon. Member for Kilkenny were adopted, and that a return were immediately made to the charges that existed upon the civil list in the year 1792, what would be the result of it? He (the Chancellor of the Exchequer) must inform the hon. Member for Kilkenny that the effect of carrying his plan into execution, and of adopting the scale of salaries that existed in the royal household in 1792, would be in many instances to increase the emoluments of officers instead of reducing them. The result of the hon. Member's plan would be to give too much in some instances, and too little in others. But the hon. Member, he knew, would not be satisfied with the generality of this assertion—he would require some details. He would endeavour to supply such details as he thought would convince the hon. Member that his propositions, if carried into effect, would not accomplish the object he had in view. He would first take the great officers of State. Though when the last civil list was under the consideration of the House, he grounded a heavy complaint upon that head—the hon. Member had now entirely excluded the fact that the Committee of the present year had very materially reduced the amount of salaries paid to the high officers of State. The Lord Steward was now appointed to receive a smaller amount of salary than in 1792; so also was the Treasurer of the Household, and so also was the Comptroller of the Household. He stated that to show that the estimate of 1792 was not applicable to the present time, even for the purpose of economy. The salaries of the clerks and accountants of which the hon. Member complained so much were, many of them, less now than in 1792. Those who in 1792 received annual salaries of 560*l*. a-year, now received no more than 260*l*. a-year. He might mention many other instances in which similar reductions had been effected. In the Lord Steward's department alone the reductions amounted to several thousands a-year. The salary of the Master of the Horse, it was true, had been somewhat increased; but why? Because formerly there were attached to this office allowances of horses and of forage, besides many valuable perquisites of horses and carriages, which were now excluded. Formerly the officer who surveyed and condemned horses and carriages as too old or too much worn for the royal service was the very officer who, upon his own part, was entitled to receive the property he had himself condemned as his own perquisites. That was a system which former Governments as well as the present Government thought ought not to be continued, and it was consequently abolished. But the result of it was, that the fixed salary of the Master of the Horse had been somewhat increased. But his objection to the amendment proposed by the hon. Member for Kilkenny did not rest only upon the grounds he had stated. Would any Gentleman whose recollection extended to the year 1792, pretend to say that he could now keep up his own private establishment at the same rate of expenditure as before the commencement of the war? Compare the amount of tradesmen's bills in 1792 with those of the present time. In 1792, the charge for butchers' meat was 5*d*. a pound; in the present year it was 8*d*. In 1792 the price of butter was 1*s*.; in the present year it was 1*s*. 6*d*. In 1792, the price of oil was 5*s*. per gallon; in the present year it was 7*s*. 6*d*. So that when the hon. Member talked of reduced prices as compared with 1792, he must observe that the reduction did not apply to the items which ordinarily came within the range of tradesmens' bills. If the captain of the yeomen of the guard now received some increase of pay, it was because he had been deprived of perquisites to which he was formerly entitled. The same observation applied to the captain of the gentlemen pensioners. It was true that their duties related only to matters of State; but as the appointments of the yeomen were reserved as rewards for old soldiers, they were offices which he thought no one would wish to see abolished. Then the hon. Member complained of the retired allowances. These allowances would be gradually diminished; but it was absolutely necessary that some of them should continue. There was not a family in the kingdom which did not make provision for its old retainers—it was impossible that the Crown should not have some also. The Committee had recommended the abolition of all sinecures: in this he concurred, and in respect to the offices of Governor and Lieutenant-Governor of the Castle of

Windsor, there was a recommendation in the report that upon a vacancy one of those offices should be suppressed, and one only should be filled up. If there were —but which he did not think there was— but if there were, as the hon. Gentleman seemed to imagine, the possibility of introducing further economy in the civil list, he hoped it might be, as it certainly ought to be, introduced. But the Committee should remember that they were fixing a civil list for a reign which all hoped would be long; they ought, therefore to fix it upon a principle which would not lead to debt on the part of the Sovereign, or to future applications to Parliament for aid to the civil list. Looking forward to a protracted reign, he considered it was the wisest and best economy on the part of Parliament to make such an arrangement in the outset as would prevent the possibility of debt. The hon. Gentleman had compared past times with the present! but to what did the policy of past times lead? It led to the contracting of debts on the part of the Sovereign, and to the payment of large sums by the country in aid of the civil list. And here he might be permitted to say, that in what fell from him on a former occasion, it was far from his intention to cast any reflection upon the monarchs of former times. Quite the contrary; it would have been inconsistent with his argument to have done so. He cast the amount of debt incurred in former times not so much on the character of the Sovereign as on the imperfection of the arrangement made in the establishment of the civil list. As to the standard of 1792, it was impossible that that could be made applicable to the circumstances of the present day. If, however, future savings could be effected it was just and right they should be; but upon the chance of a contingent saving it would be unwise to cut down the civil list so low as to force the Monarch to incur debts in order to sustain the dignity of the Crown, and then to be under the necessity of applying to Parliament to pay them. The hon. Gentleman had complained that adequate information had not been furnished to the Select Committee on the subject of the civil list; but he begged to say, that the explanation which had been afforded by the present Government had been much more full than had ever been given by any Government on any former occasion. Under these circumstances, he thought he might humbly entreat the Committee to agree to the vote.

Mr. *Hawes* was not prepared to say that his hon. Friend, the Member for Kilkenny, had made out a case for so large an amount of reduction as he had proposed; but, while saying this, he was compelled to declare, that he conceived that the present civil list was larger than that which was granted in the last reign. The right hon. Gentleman, the Chancellor of the Exchequer, indicated his dissent from that proposition. He would shortly state the grounds on which he believed it to be perfectly correct. The amount of the civil list, in the last reign, was 510,000*l.*, from this was to be deducted 50,000*l.* granted for the Queen's privy purse, thus reducing the civil list of the late King to 460,000*l.* The estimated expenditure of the present Sovereign, as laid before the Select Committee, was 470,000*l.*, obviously making an increase as compared with the last civil list of 10,000*l.* But it would be said, that while in one department of the Queen's establishment there was an increase, in another department there was a decrease. In the ladies' department the increase occurred, while in the gentlemen's department the decrease took place. The increase and decrease, however, nearly balanced each other, still leaving the present civil list 10,000*l.* greater than the last. The last civil list, again, was 10,000*l.* more than the one preceding, while in referring to the debates on the civil list of George the 4th, even the amount of that list was considered to be unnecessarily extravagant. It was not his wish to observe a too rigid economy in the Parliamentary provision for the Crown. Let it be proved to him that the sums proposed were necessary, and he should be ready to concede them. But he was bound to say, that in the Select Committee, of which he was a Member, he was perfectly helpless, for he had no means of ascertaining what were the proper sums required for the suitable maintenance of the dignity of the Crown. It was not possible, therefore, for him to have proposed, in that Committee, a reduction of any of the sums mentioned to be necessary. This was necessarily the case; for even, if the Committee had had the power to send for persons, pape r ,and records, in order to go into the examination of the bills of the household, it would still have been impossible to come to any conclusion as to the proper amount to be granted. The Select Committee were, therefore, bound to place their reliance upon the representations of the Minister; but, although he was as one of that Committee so bound, yet, unless the Minister made out a case, he was not bound to grant 10,000*l.* more on the present civil list than was granted in the last reign. This was one point which he wished the Chancellor of the Exchequer to consider. The second point to which he would advert was, the large amount received by the Crown from intestates' estates. In a case in which he was personally interested, out of 140,000*l.* received by the Crown from an intestate's estate, no less than 70,000*l.* was actually applied towards the furnishing and embellishing of the palace (as it was called) at Brighton. Knowing this fact, he had a right to inquire how it was intended that sums of money coming from such a source, into the hands of the Crown, were in future to be dealt with. From intestates' estates alone, an additional 10,000*l.* a-year accrued to the Crown; therefore, according to his view of the case, the present civil list actually amounted to 20,000*l.* more than the last. To this, he was by no means disposed to agree; and he should, therefore, after the amendment of his hon. Friend was disposed of, propose a reduction of the vote to the amount of 10,000*l.*

Mr. *F. Baring* said, that the observations of his hon. Friend had been made in a tone and temper which entitled them to every attention. The calculations, however, which he had referred to were not quite fair, and would tend very much to mislead the Committee, if they adopted the figures quoted by him. His hon. Friend wished the House and the public to understand that the proposed civil list was larger in amount than the civil list of his late Majesty. His hon. Friend said there was now no Queen Consort, and therefore 50,000*l.* ought to be deducted from the amount of the last civil list in order to make a fair comparison between it and the amount now proposed. But if his hon. Friend wished to make a fair comparison between the proposed civil list and the civil list of the late reign, he should compare those items which were in the list of the last reign with those of a similar description in the present list. His hon. Friend did not act quite fairly, when he told the Committee that they ought to deduct 50,000*l.* from the amount of the late civil list when estimating what ought to be the present civil list, because there was now no Queen Consort, and yet to complain that 10,000*l.* should be added to the present civil list, because the Sovereign happened to be a Queen and not a King. The 10,000*l.* was added for the establishment of ladies. He (Mr. F. Baring) need not argue, that an establishment of ladies was absolutely necessary in consequence of the Sovereign being a Queen. His hon. Friend had lost sight of this, and he had likewise put aside the question of pensions. Did his hon. Friend mean to tell him (Mr. F. Baring) that, by any calculation he could make, the power of giving 1,200*l.* a-year in pensions would ever amount to 75,000*l.* a-year, which was the extent of the power that existed in the late reign. It must be remembered, when discussing this question, that his late Majesty was King of Hanover as well as King of England. And although the revenues of Hanover were mainly appropriated to the benefit of that country, yet it was fair to presume that some part of those revenues were available to the support of the dignity of the King of England as well as that of the King of Hanover. These were sources of revenue which her present Majesty did not enjoy; were she in possession of them, she no doubt would derive a greater amount of revenue than she would now do from the present proposition. His hon. Friend had said, that the amount of the former civil list was very large, and on too high a scale, and that considerable reductions might have been made in it if it had been under the supervision of Parliament; but his hon. Friend ought to recollect that he was speaking of a civil list of a very different description from what existed now. The civil list he was then speaking of was not confined to supporting the dignity of the Crown, but included a large part of the public expenditure, such as the salaries of the Judges and other public officers. When his hon. Friend stated, therefore, that a large reduction might be made if the former civil list had been placed under the supervision of Parliament, he must have been unaware of this fact. If they looked to that expenditure which had been transferred from the old civil list to the present estimates laid before Parliament, and placed under the supervision of Parliament, they would find that a very considerable reduction had been made in the annual expenditure on account of those estimates. He thought it fair to his right hon. Friend, who was then absent to explain this point. His hon. Friend had said, that the property of intestates which fell to the Crown was appropriated by the Crown to its own purposes; and upon this point, his hon. Friend required a distinct explanation, in order to guide his vote this night. Now, he should have thought that his hon. Friend would have been well aware that William 4th gave up that part among the other hereditary revenues of the Crown. He would find in page 15 of the return laid before the Select Committee, of which he was a Member, a return under the head of escheats of 46,600*l.*, which, in the course of the last reign, was actually carried to the account of the public service. He wished, however, not to be misunderstood. It was not the habit of the Crown to take possession of intestates' property for its own purposes. The principle on which the Crown acted was this: if there were any claimants to the property of the intestate, the Crown disposed of it just as the party himself would probably have done if he had made a will. He (Mr. F. Baring) was perfectly well aware of the case to which his hon. Friend, the Member for Lambeth, had referred. It was a case where there existed very great doubt as to the right of the party claiming to be allied to the intestate. He never could prove his case—he had failed twice before a court of law. The Crown, therefore, very naturally refused to give the property to such party. His hon. Friend had complained that the Select Committee had not examined all the details of the items constituting the civil list, and that, therefore, the Committee had no means of deciding what ought to be their amount. But what did his hon. Friend expect to do with regard to the civil list? His hon. Friend said, that it was extravagant compared to the civil list of the reign of George 4th, which was a very expensive reign; but was that the fact? Did not the Committee take this course? Did they not observe the expenditure, under the different heads, in the reign of William 4th? They all knew, that when his late Majesty presided over this empire the dignity of the Crown was maintained in decent splendour—that there was that noble hospitality upheld which was worthy the sovereign of a great empire; but they knew, also, at the same time that there was no extravagant or profuse expenditure on the part of the Crown; and that his late Majesty might have this praise added to his other praises, that when he left the Crown to his successor he did not leave to the country one sixpence of debt. What, then, could they, in common sense, have as a better standard by which to compare the present scale of the civil list than the civil list of the late reign. His hon. Friend had talked of going back to the principles of 1792; but in how many cases was his hon. Friend prepared to do this? In all matters, save in the article of money, no one was more ready to ridicule the "wisdom of our ancestors" than his hon. Friend. They were, however, now arguing in the year 1837, and not 1792. Did his hon. Friend apply the principle of his argument to his own private affairs? Did he pay the same rate of wages to his servants now that was paid in 1792? Every Gentleman knew from his own experience that they could not bring down the expenditure of the present day to the standard of 1792. Was it to be expected, when shopkeepers, farmers, merchants, and country squires lived in a very different style and adopted essentially different habits from the style and habits which prevailed in 1792, when what at that period were considered luxuries were now regarded as common necessaries, and were more remarked when absent than when present—when this gradual alteration in the habits of life took place among all classes of the people, was it possible to expect that the Crown—that the head of the empire—should remain unaffected by the general change, and its dignity continue to be supported on a scale of expenditure which was adapted to a state of circumstances of altogether a different nature.

Mr. *Grote* observed, that there were two points in the speech of the hon. Gentleman, the Member for Portsmouth, which seemed to require special notice. One was the rise in the price of articles of provisions since 1792, and, from the tenor of the hon. Gentleman's observations, it would seem fortunate that a civil list had not been proposed of double the present amount, for such was the only inference which could be drawn from those remarks. In the next place he must remark on the extreme inutility of the Committee, of which he and the hon. Secretary for the Treasury were Members. If the civil list of the late monarch were to be handed down to the present sovereign without alteration, why did not the Government do that on its own responsibility. Taking, however, a different view from the hon. Member of the fitness and amount of the proposed civil list, he should vote for the reduction recommended by the hon. Member for Kilkenny, and he conceived it a proper and reasonable proposal. He thought that during the present discussion it had been forgotten that this was the first civil list which had been brought forward since the Reform Act, and that, as a necessary result of that improvement, the people expected and had a right to expect greater economy and more strictness in the administration of the public money. On these grounds, therefore, that the public had expected, not only that no increase would take place in the amount of the civil list, but that they had anticipated a great reduction, though he was not prepared to point out where this reduction ought to fall, yet he was prepared to say that the whole amount might be lessened by 50,000*l.* He would most willingly support not only every thing which could add to the comfort and elegance but also to the dignity and splendour of the sovereign, but he did not think that the suggested reduction would detract from any of these. If he went through the details of the list it would be difficult to say which item was the least necessary, still he was of opinion that they might easily get rid of much of the antiquated paraphernalia without any diminution of comfort or dignity to her Majesty, and he believed with a positive addition to her comfort. Before he sat down he must enter a strong protest against the doctrine laid down by the noble Lord, the Member for Stroud, that the respect which the House entertained for the sovereign was to be measured by its willingness to grant money for the use of the Crown. He would maintain the direct contrary, and assert that the best friends to the maintenance of the respectability of the Crown were those who were most anxious that it should not appear in the light of an odious and unnecessary burden on the shoulders of the people. In this point of view, above all others, he was persuaded that economy was the most consistent with the comfort and dignity of the sovereign, and he should vote for the hon. Member for Kilkenny.

Captain *Pechell* said, that the hon. Member for Kilkenny had omitted to notice the fact, that whilst the fees in the Lord Chamberlain's department were done away with, the fees in the office of the Lord Steward were to be still left in existence. He thought that it was high time that her Majesty's tradesmen should be relieved from the payment of the present enormous fees for procuring their warrants. There was another point to which he wished to call the attention of the Chancellor of the Exchequer, and it related to the department of the Master of the Horse. As all the Queen's pages were now presented with commissions in the Guards after a certain period of service, he suggested that commissions in the navy should also be held out as an inducement and reward for good conduct. His late Majesty William 4th had introduced naval men in many situations previously occupied exclusively by military men; and as there were four pages connected with the Master of the Horse's department, he suggested that two of these should be chosen from persons fit to have commissions in the navy. And if the right hon. Gentleman should meet with any difficulties in procuring fit persons from among the midshipmen, he might possibly be able to furnish him in a few years with a candidate for the office.

Mr. *C. Buller*, though he could not entirely go along with the hon. Member for Kilkenny, would go so far as to say that it appeared to him that the proposed civil list was constituted on a scale wholly unsuited to the age. The hon. Gentleman, the Secretary for the Treasury had said that they ought not to carry back their ideas of the necessary expenses of a Sovereign to past times, and in this he was disposed to agree; and what he complained of and found fault with in the proposers of the present civil list was, that they did carry back their ideas to past times, by giving to the monarch an establishment entirely unsuited to modern notions of necessity or dignity. They had taken their ideas of luxury and magnificence from an age long passed; and to justify the splendid establishment they proposed, they had gone back, as it appeared to him, to an almost antediluvian period. In former times undoubtedly many of the greater nobility had performed menial offices in the establishments of the sovereign and of persons of high degree. He believed that it was Burke who had stated that an Earl of Warwick had been clerk of the kitchen to one monarch, and that one Earl of Gloucester had occupied a similar situation under an Archbishop of Canterbury; but why was it now necessary that they should go back to the period when these menial offices were performed by noblemen and gentlemen? Why was it necessary that the Queen's furniture should be superintended by a nobleman under the title of Lord Chamberlain, with a salary of 2,000*l.* a-year? Why were the expenses of the table now to be regulated by another nobleman designated the Lord Steward? Why was the situation of manager of the royal stud, under the designation of Master of the Horse, to be filled by another nobleman with a salary of 2,500*l.* a-year? He saw no occasion for this, and he should vote for a reduction equal in amount to that suggested by his hon. Friend the Member for Lambeth. He would abolish the offices of Lord Steward, Lord Chamberlain, Master of the Horse, Mistress of the Robes, Master of the Buck Hounds, and Constable and Keeper of the Round Tower, the yearly salaries of which amounted together to 10,000*l.*, exactly the same sum as his hon. Friend had recommended to strike off the vote. By the reduction which he then proposed, he wished not in any manner to affect the dignity or comfort of the Sovereign, he would leave her surrounded with the lords and ladies of her Bedchamber, as persons who were valuable, and to the amount of whose salaries he did not object; but he would do away with the great sinecures which were never given to the personal friends of the Sovereign—which were disposed of by the Ministry of the day, being changed with them, and which were only so many offices at the disposal of Ministers for their friends and dependents. He thought that the dignity of the Crown was not consulted in the present arrangement, and that the large amount would only cause increased embarrassment and discomfort. After the disposal, therefore, of the motion of the hon. Member for Kilkenny, he should support a proposal that the total amount should be 375,000*l.* instead of 385,000*l.*

Lord *John Russell* rose only to take the opportunity of contradicting the mistake into which the hon. Member for Liskeard had fallen; he was entirely in error in supposing that the great officers attending the Court to whom he had alluded were in the enjoyment of sinecures; they had duties to perform, and he (Lord J. Russell) could not imagine that a sovereign could hold a court and maintain sufficient dignity without them. He thought that hon. Members would be rather surprised if when the Speaker of that House reached the royal palace, they should find only two footmen to show them the way. These noblemen had, therefore, duties to discharge and they did perform them. In reference to what had fallen from the hon. Member for Lambeth, he did not mean to say that if any amendments had been proposed to her Majesty she would not have acceded to them, he felt no doubt but that she would have cheerfully received and accorded to any proposal which might be made; but he did hope that the hon. Members would not place any difficulties in the way of the Sovereign; and he could conceive no more painful duties which could be imposed on her Majesty's Ministers than to ask her to withdraw what were considered unjust and unreasonable demands; and, that the House would not make any nice calculations or objections to the grant of the same amount as had been enjoyed by other Sovereigns.

Mr. *Kemble* had been returned as a Conservative, and he should be sorry in the most remote degree to detract from the comfort or the dignity of the Crown; but he thought that he should be best acting up to his character as a Conservative by supporting a due and proper regard for economy in that House. He could not conscientiously vote for the motion of the hon. Member for Kilkenny and support a reduction to the amount of 50,000*l.* because he had not heard sufficient reasons advanced for so large a reduction. The House had appointed a Committee to investigate the subject, and not having given power to that Committee to send for persons, papers and documents, he thought that the House was bound to take the statement of the confidential advisers of the Crown, which had been laid before them. Now Ministers had told them that the amount granted for the civil list during the last reign had been sufficient to maintain the dignity and splendour of the Crown, and to uphold a proper degree of hospitality, having a due regard for economy; and he had not heard any reason advanced why the House should make to this sufficient grant an additional 10,000*l.* a-year, except the statement made by the hon. Gentleman the Secretary to the Treasury, that there was this difference, that we had now a Queen instead of a King, and that there was no Queen consort. By a reference to the papers it appeared that the only difference in the expenditure occasioned by the circumstance of the reigning sovereign being a Queen was 2,000*l.* a year. Such was the fact, for whilst the number of ladies in the household had been increased, there was a reduction in the number of males; the increased expenditure on former accounts was only 2,000*l.*, and the saving ought to be 10,000*l.* Here then was an increase of 8,000*l.*, for which no ground had, in his opinion, been stated. The Chancellor of the Exchequer, indeed, had referred to the saving of 50,000*l.*, a year in consequence of our not having a Queen consort, but it was highly probable that her Majesty would soon have a husband and they should recollect that to support his dignity a much larger sum than the 50,000*l.* now saved would be required. The House had been told that the establishment of William 4th was fully adequate to the dignity and the splendour of the Crown; and yet, without any sufficient reason assigned, an increase of more than 8,000*l.* had been recommended by a Government professing amongst their leading principles a great attachment to economy. Although he could not vote for the motion of the hon. Member for Kilkenny, he would support a reduction to the amount of 10,000*l.*

Mr. *Harvey* thought, that he should have no great difficulty in inducing the hon. Member for Surrey to vote for the reduction of the proposed sum by an amount considerably larger than he had stated. Was the House disposed to throw away the lights of experience. It was no speculation as to the amount of the expences of the royal household. The report of the Civil List Committee, imperfect as it was in many respects, yet was sufficiently full to give some clue to the amount. At page 11 of the report there was a summary of the aggregate money received by the Crown during the six years of William the Fourth's reign. The total received during this period was 3,060,000*l.*, and after providing to the utmost for the grants in the reign, and which remained unpaid, there was a surplus of 22,750*l.* carried to the privy purse, exclusive of the 60,000*l.* a year granted for that purse; after deducting the 3,045,091*l.* paid out of the total money received, there still remained an additional surplus unappropriated of 14,909*l.* Add this to the sum of 22,750*l.* carried tothe privy purse, and there would be found an excess of 37,659*l.* during the whole six years, being 6,000*l.* a year more than the Crown could spend even under the old provision made by the monarch's support, and yet the House was called upon to increase this sum. In addition to all this, there was a proposal in the present civil list of giving 8,040*l.* of unappropriated monies, being in fact, a proposed expenditure of upwards of 14,000*l.* a year more than had been proved by a six years' experience to be necessary. He took it, then, that the hon. Member was willing that a diminution of 16,000*l.* should take place; but in what way did the House get at the revenues of the duchies of Cornwall and Lancaster, which were shut out from their control, practically, by the course which had been adopted by the Government? It was not denied that the actual income arising from the duchies was very little short of 50,000*l.*, and the hon. Member for Kilkenny would, therefore, have been justified in adding the sum of 16,000*l.* to that of 50,000*l.* which he suggested. He knew the effect produced by rumours both in and out of the House, and he would rather vote on a division in favour of a reduction of the amount by 10,000*l.*, if the hon. Member for Surrey would move it—and he would rather hope in that feeling of Conservative contrition, that hon. Member would set an example —than he would vote with a small minority in favour of the reduction by 50,000*l.* If the hon. Member would move this he would set an example, and it would be received by the country with gratitude —as a sort of Christmas-box. It would be a boon, indeed, that it should be proposed by an hon. Member on that side of the House; and if he would only move that the amount should be reduced to 375,000*l.*, it would be better than to divide with a small minority in favour of the hon. Member for Kilkenny. If however, the hon. Member for Kilkenny, should persevere in dividing the House on the course which he had suggested he should vote with him; but at the same time he hoped that the hon. Member for Surrey would not be terrified from moving that the amount should be decreased to 375,000*l.*

Mr. *Kemble*: I never said I would move the House on the subject; an dI will ask the hon. Member what he means by Conservative contrition. I only expressed my regret that I should be obliged to vote with the other side of the House under certain circumstances; but I deny that I expressed any Conservative contrition; but on the contrary, I glory in the principles which I profess.

The *Chancellor of the Exchequer* said, that he felt it his duty to state that the excess of the revenue was appropriated to purposes with which he thought the Committee would entirely agree. The balance had been appropriated to the payment of the funeral expenses of his late Majesty. He would offer one word with regard to the observations made by the hon. Member for Surrey. He said that there was an excess in the present civil list over that which was before agreed to, and that there was a surplus of 10,000*l.* He should wish, in order to satisfy that hon. Gentleman and the House, to refer to what had occurred on a former occasion. On the late civil list being brought forward, a sum larger than that now contemplated was carried in the House (the sum being, he believed, 11,000*l.*) to meet contingencies. The proposition was made by the hon. Member for the University of Cambridge, and it was assented to by Lord Spencer, and actually voted, but by some mistake the sum was not inserted in the bill. It was not proposed now to vote that sum as unappropriated, but he thought it better to take the small sum of 8,000*l.* appropriated, in looking forward to a long reign. But to refer to the vote carried on the motion of the hon. Member for Aberdeen, that substituted an annual grant for new pensions, not exceeding 1,200*l.* for the maximum sum of 75,000*l.* which was originally the amount. This was not his (the Chancellor of the Exchequer's) proposition, and therefore whatever benefit might arise to the public, and which would appear on the statement he was about to put forth, was to be attributed to the labours of the much maligned Committee. He had supported it, but he was happy to attribute it originally to the motion of the hon. Member for Aberdeen. He was talking of a saving of 10,000*l.* and in reference to it he had had a calculation made by an officer of Government most experienced in such matters. On the authority of Mr. Finlayson, he was enabled to state what would be the result of this arrangement. Taking the highest value of an annual sum of 1,200*l.* during a progressive accumulation for twenty years, he would add the decreased pensions charged on the consolidated fund to the increased pensions arising from the sum proposed. The charge for pensions upon the civil list, which was now 72,970*l.* would in twenty years be reduced to 20,043*l.* The increased charge for the progressive accumulation of 1,200*l.* during the same period, namely, for twenty years, would be 21,179*l.*, making in the whole the sum of 41,222*l.* which would show a saving under the head of pensions of 33,778*l.* With respect to the average of lives taken, he had to observe, that they were taken under the lowest average, and Mr. Finlayson had told him, that there was no insurance company in London which would not take these calculations as the basis of an arrangement. He must repeat, that it was important to have an unappropriated sum to meet contingencies. The hon. Member for Aberdeen knew very well, that unexpected expenses sometimes fell upon the Crown. Those expenses must be defrayed out of some fund, and it was in order to avoid a recurrence to Parliament that the present vote was now proposed.

Mr. *Clay* observed, that from the statement of the Chancellor of the Exchequer, it appeared, that the sum to be voted for unappropriated money was 8,000*l.* Now let it be distinctly understood, that that sum was in addition, and was not to be drawn upon unless necessity arose. Upon that understanding he would not object to vote for it.

Mr. *F. Baring* said, it was quite true that a reduction had been made in the salaries of the higher offices to the amount of 8,000*l.*, compared with the amount received in the time of William 4th, and it was equally true that the saving being made, it was carried to the unappropriated balance. On the other hand, the Queen was placed in a position by which an increased expense would be incurred to the extent of 10,000*l.*

Mr. *Hume*, in reply, said, that the House seemed to be satisfied that the sum which had been granted for the last seven years should be continued. He would tell them that they were now taxed to the amount of fifty millions, while before the taxation was sixteen millions, and yet it was proposed to raise the civil list.

The House divided on Mr. Hume's amendment:—Ayes 19; Noes 199: Majority 180.

FIRST DIVISION.

List of the AYES.

Aglionby, H. A.
Brocklehurst, J.
Brotherton, J.
Duncombe, T.
Fielden, J.
Finch, F.
Godson, R.
Harvey, D. W.
Hindley, C.
Jervis, S.
Leader, J. T.
Martin, J.
Molesworth, Sir W.
Morris, D.
Philips, M.
Vigors, N. A.
Wakley, T.
Warburton, H.
Williams, W.

TELLERS.

Hume, J.
Grote, G.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam, Sir C.
Alsager, Captain
Anson, hon. Colonel
Ashley, Lord
Baines, E.
Baker, E.
Barnard, E. G.
Barrington, Viscount
Beamish, F. B.
Belfast, Earl of
Bellew, R. M.
Bentinck, Lord G.
Berkeley, hon. H.
Blair, J.
Borthwick, P.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Bryan, G.
Buller, E.
Bulwer, E. L.
Callaghan, D.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Carnac, Sir J. R.
Cayley, E. S.
Chalmers, P.
Chandos, Marquis of
Chaplin, Colonel
Chetwynd, Major
Clay, W.
Clive, E. B.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Dalrymple, Sir A.
Denistoun, J.
D'Eyncourt, rt. hn. C.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Divett, E.
Douglas, Sir C. E.
Duckworth, S.
Duff, J.
Duke, Sir J.
Dundas, F.
East, J. B.
Easthope, J.
Eaton, R. J.
Ebrington, Viscount
Eliot, Lord
Ellice, Captain A.
Ellis, J.
Etwall, R.
Fazakerley, J. N.
Fergusson, Sir R. A.
Fergusson, rt. hn. R. C.
Fitzalan, Lord
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleetwood, P. H.
Forbes, W.
Forester, hon. G.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, J.
Gibson, T.
Gladstone, W. E.
Gordon, R.
Gore, O. J. R.
Goring, H. D.
Goulburn, rt. hon. H.
Greenaway, C.
Grey, Sir G.
Grimsditch, T.
Hall, B.
*Hallyburton, hn. D. G.
Hardinge, rt. hon. Sir H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Hayter, W. G.
Henniker, Lord
*Hinde, J. H.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holland, R.
Holmes, W.
Hope, G. W.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Humphrey, J.
Hutton, R.
Ingham, R.
Inglis, Sir R. H.
James, Sir W. C.
Kemble, Henry
Kirk, P.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
*Langdale, hon. C.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord George
Lennox, Lord Arthur
Lincoln, Earl of
Lockhart, A. M.
Lushington, C.
Lynch, A. H.
Mackenzie, T.
Macleod, R.
Macnamara, Major
Marshall, William
Morpeth, Viscount
Murray, rt. hn. J. A.
Muskett, G.
O'Brien, W.
O'Connell, M. J.
O'Ferrall, R. M.
Ossulston, Lord
Paget, Lord A.
Paget, F.
Palmer, C.
Palmer, R.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Pechell, Captain
Peel, right hon. Sir R.
Phillpotts, John
Pinney, W.
Polhill, F.
Ponsonby, hon. J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Ramsay, Lord
Reddington, T. N.
Rice, right hon. T. S.
Rich, Henry
Richards, Richard
Rickford, W.
Rolfe, Sir R. M.
Rose, right hon. Sir G.
Round, C. G.
Rumbold, C. E.
Russell, Lord J.
Salwey, Colonel
Sandon, Visct.
Sanford, E. A.
Seymour, Lord
Sheil, R. L.
Sheppard, T.
Sibthorp, Col.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Somerset, Lord G.
Steuart, R.
Stewart, J.
Stewart, J.
Stuart, Lord J.
Strangways, hon. J.
Strutt, E.
Style, Sir C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Tollemache, F.
Townley, R. G.
Tracy, H. H.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tufnell, H.
Vere, Sir C. B.
Whalley, Sir S.
White, A.
Wilberforce, William
Wilshere, W.
Wood, C.
Wood, T.
Worsley, Lord
Yates, J. A.
Young, G. F.

TELLERS.

Baring, F. T.
Stanley, E. J.

The Committee then divided on the amendment moved by Mr. Hawes, that the sum be 375,000*l.*:—Ayes 41; Noes 173: Majority 132.

The following names added to the Ayes on the first division, make up the Ayes on the second.

Baines, E.
Blair, J.
Buller, C.
Chalmers, P.
Dick, Q.
Duke, Sir J.
Forbes, W.
Goring, H. D.
Hall, B.
Humphrey, J.
Kemble, H.
Marshall, W.
O'Brien, W. S.
Parker, R. T.
Phillpotts, J.
Rickford, W.
Salwey, Colonel
Strutt, E.
Talfourd, Serjeant
Tollemache, F. J.
Whalley, Sir S.

TELLER.
Hawes, B.

The four Members, with asterisks prefixed to their names appear not to have voted on the second division.

The clauses and schedules were agreed to.

Mr. *Townley Parker* wished to know, whether the Government intended to retain the office of the Master of the Horse, and that branch of the royal establishment? He asked this question in consequence of the sale by her Majesty's Ministers of the splendid stud belonging to his late Majesty, at Hampton Court, a proceeding which, in his mind, inflicted the greatest disgrace on the country.

The *Chancellor of the Exchequer* begged to inform the hon. Member, that the sale of the royal stud was not the act of her Majesty's Ministers, but of the executors of the late Sovereign, the stud being the private property of his Majesty.

HOUSE OF COMMONS,

Saturday, December 16, 1837.

MINUTES.] Bill. Read a second time:—Prisoners Sessions Court (Ireland).

SLAVE COMPENSATION.] On the motion of the Chancellor of the Exchequer the House resolved itself into a Committee on the Slave Compensation Bill.

On the second clause,

Mr. Hume wished the Chancellor of the Exchequer to explain what was the purport of that clause.

The *Chancellor of the Exchequer* said that the Slave Compensation Fund was provided for partly in money and partly in stock. Before the Bill passed certain claims were paid in money; but there was now a surplus of stock and a deficiency of money; this clause was to allow stock to be sold out.

Mr. *Hume* said, that some statement should have been laid before the House with respect to the amount of the money paid.

The *Chancellor of the Exchequer* said, that, under the provisions of the Slave Compensation Act, no accounts could be laid before the House without an order from the Committee, countersigned by the Secretary of State.

Mr. *Baines* wished to ask his right hon. Friend, the Chancellor of the Exchequer, what proportion of the money voted for the liberation of the slaves had been already distributed; and, whether any inquiry had been instituted as to the conduct of the masters towards their apprentices, and if it should be found that they had been treated with cruelty, whether it was the intention of Government to withhold the remainder of that sum?

Mr. *Aglionby* only rose for the purpose of stating that the greatest interest was felt in his part of the country on this subject. He had received many letters, urging that the attention of the House ought to be called to it, and he hoped, ere long the House would take the matter up, and see that justice was done.

The *Chancellor of the Exchequer* said, the question which the hon. Gentleman had put to him was, whether they could withhold, or had withhold, any part of the money? His answer was, they had no power of withholding it. By law it belonged to the parties to whom it was adjudicated; and no less authority than an Act of Parliament could take it away from those individuals.

Mr. *Baines* begged to confirm what his hon. Friend, the Member for Cockermouth (Mr. Aglionby) had stated, as to the strong impression that existed in the country on this subject. It had been stated that cruel injustice had been done to the negro apprentices, and it would become a matter of serious consideration how far the subject should be brought before Parliament. Though he could not entirely concur in all the proceedings the Government had taken (who undoubtedly were entitled to the credit of having removed the stigma of negro slavery), and doubted the propriety of coming to the decision of asking for a termination of the negro apprenticeship on the 1st of August next, yet he thought that the apprentices were entitled to the best consideration of Parliament, and that no information ought to be withheld from the House that would satisfy the minds of hon. Members. After the enormous sum that had been paid for the liberation of the negroes they ought to see that that part of the contract which belonged to the planters had been fairly and conscientiously fulfilled; and if it had not, there would be an impression in the country generally that great injustice had been done towards the people of this country and the negro population. He hoped the Government would in some way or other take care that the planters fulfilled their part of the contract, and that the money was not paid to those who violated their contract, contrary to every principle of justice and humanity.

Mr. *Hume* thought, that his hon. Friend, the Member for Leeds, was bound both in justice to the public who had paid, and in justice to the planters who had received, so large a sum of money by way of compensation, to bring forward in a specific shape the charges which he had just made against the good faith and humanity of the planters. Why not bring them at once under the notice of Parliament? He saw from a report which had appeared in the public journals, that a short time since there had been held in London a public meeting on this subject, which was attended by no less than nine Members of Parliament. Why had none of them brought before the House the cruelties which were at that meeting alleged to have been perpetrated by the masters upon their apprentices? If they did not like to come forward themselves, let them place their papers in his hands, and he would bring the whole subject under the notice of the House. That was the right and proper course to pursue; and it was neither just nor proper for hon. Members to be constantly making charges against the planters which the planters were not present to meet, and for which their defamers produced no proofs.

Mr. *Baines:* I do not understand what my hon. Friend means.

Mr. *Hume:* Then I will tell my hon. Friend, the Member for Leeds, what I mean. It is alleged that the acts of the planters towards the negro apprentices are such, that the only way of relieving the latter from the oppression of the former is by making the apprenticeship, which was not to terminate till 1840, terminate in August, 1838. Now, if my hon. Friend the Member for Leeds, or if any other hon. Member, is cognizant of any individual act of cruelty, if he really believes in the truth of the statements so directly impugning the conduct of the planters to their apprentices, it is his bounden duty to bring them under the notice of the House. He is also bound to state the names of the particular planters whom he alleges to be guilty of these cruelties, in order that the censure of Parliament and the public, may fall upon those who are really guilty, and may not be directed against those who are innocent. That is the only way in which justice can be done to both sides in this matter.

Mr. *Baines* waited to see if the matter would be undertaken by some person of more weight and influence in the House than himself. If no other hon. Member did he would take up the subject. He thought that justice should be done as well to the planter as to the negro. He did not wish to traduce the one without establishing the charges he had brought against him, nor did he wish that the other should be oppressed without showing him that Parliament was disposed to support and maintain his right.

Clauses of the bill were agreed to. The House resumed.

Civil List.] The Chancellor of the Exchequer brought up the report of the Committee on the Civil List Bill.

On the question that the bill be engrossed,

Mr. *Hume* wished to take that opportunity of making some observations relative to those made by the Chancellor of the Exchequer, respecting a statement he had made last night. Though he might differ from almost every Member of the House in opinion they ought not to differ in facts. He observed that in the report of what took place last night it was alleged, in answer to what he stated, that the Chancellor of the Exchequer had said so and so, while what he (Mr. Hume) did state was kept out of view altogether. Now, what he did state was, that his object was not to continue in the amount of the civil list the expenses of the two departments of the Lord Chamberlain of the household and the Lord Steward, at the same time observing that he did not wish to affect the amount for the privy purse of 60,000*l.* What he wished to say was, that as they had been reducing every establishment in the country to a proximity to the fall of prices in 1792, he thought they were not acting fairly to the public, when they had the opportunity, in not applying the same rule to the establishment of the civil list in all public departments. In order to show that such was not the case he had referred to the amount of the salaries in the Lord Chamberlain's department in 1792, when it was 47,942*l.* while at the present moment it was 66,499*l.* The Chancellor of the Exchequer, in answer to that statement, had told him that great reductions had been made in other departments—that the salaries, which had been 1,200*l.*, had been reduced to 700*l.* The right hon. Gentleman had stated also that he was not aware of the amount of fees that had been removed, and that most probably he (Mr. Hume) must have been cognizant of that, as he had always been an advocate for the removal of fees. He admitted that his object always had been to remove fees that were levied upon business transactions. He thought that nothing was more preposterous than the fees which were exacted in the Lord Steward and Lord Chamberlain's offices from the tradesmen of the Crown. If those fees were reduced what would be the consequence? Why, that the tradesmen, who now made an extra charge of five per cent. for the purpose of enabling them to pay those fees, would be enabled to furnish the articles in which they dealt at so much less price. So far from being an argument against him, the statement of that hon. Gentleman was in his favour, and Ministers were not giving the public the benefit of the reductions. In the Lord Steward's department the expenditure had been increased from 29,153*l.* to 36,381*l.*; in the department of the Master of the Horse (we understood) the increase had been from 12,791*l.* to 27,650*l.* He (Mr. Hume) had examined the accounts of all the four departments—that of the Lord Chamberlain, the Lord High Steward, the Master of the Horse, and the Master of the Robes—and it appeared that the whole charge of those departments for the six years from 1786 to 1792 was 90,966*l.* per annum, and it was now proposed to raise it to 131,260*l.* for the year 1838. There was, on the whole an excess in the civil list of 40,294*l.* above the list of 1786 and 1792. He thought the House ought to pause before it granted so disproportionate an augmentation in a civil list which was to last, as he hoped, at least fifty years. He appealed to the Chancellor of the Exchequer whether he ought to continue in the present day the antiquated and useless sinecures which were charged upon the civil list, and whether these ought not to be abolished. so as to bring back the expenditure to the scale of 1792? But the Chancellor of the Exchequer actually was raising the charge forty per cent., when the country had a right to expect a reduction of forty per cent. The amount of the tradesmen's bills in the departments of the Lord Chamberlain, Lord High Steward, Master of the Horse, and Master of the Robes, was, from 1786 up to 1792, 118,020*l.* The amount proposed for 1838 was 172,500*l.*, being an excess of 54,300*l.* in the tradesmen's bills, besides the increase of 40,292*l.*, which he had already shown to be the increase for salaries in those departments. He had taken pains to compare the prices of the former period to which he referred with those of the present day, and he found that the difference was by no means such as to justify the extravagant increase which had taken place in the bills of the tradesmen. In most articles the increase of price, if any, was very small; and, in many articles, there had been a considerable reduction. He was anxious to reduce the burthens of the country, when he saw thousands of the people living upon three or four shillings a-week, and when he knew, as every hon. Gentleman there very well knew, that in some parts of the country — for instance, in Devonshire and Wiltshire—a labouring man could not earn more than eight shillings a-week, he must say that it was not dealing equal justice to make such extravagant allowances out of the burthens of the people. Parliament had made reductions in all other departments of the public expenditure except the civil list, and when the country saw that out of four hundred Members only twenty-two voted for his motion last night, the people would be convinced that a majority of that House was not disposed to lighten the public burthens. The Monarch should attend to the wants and wishes of her people, and endeavour to live in their affections, instead of wringing from them the utmost extent of money which the aristocracy in that House might be disposed to grant. One-half the officers of the Royal Household were not at all necessary for the comfort or dignity of the Sovereign, but were a part of that empty parade which, during the reign of George the 4th, was introduced into the Court. In 1792, 16,000,000*l.* was the whole amount of annual revenue derived from the people; 50,000,000*l.* now was wrung from their hard earnings. Five millions, then, paid the whole expenses of the civil list, of the army, the navy, the ordnance, and other public establishments. Now, nearly

20,000,000*l.* was applied for these objects. He could not but feel pained when he reflected that while court dresses were so stiff with gold lace that they could almost stand erect, there were hundreds of thousands of her Majesty's subjects who were in a state of starvation, and whose clothing was perfect tatters. As he did not believe this enormous amount of income was necessary for the comfort or dignity of the Crown, so he did not think that it was desired by her Majesty, but that it was only demanded by her Ministers; and he, therefore, complained on the part of her Majesty—whom he wished to stand high in the respect and affections of her subjects — of the immense load of sinecures and abuses which her Ministers were endeavouring to hang upon her.

Mr. *J. Fielden* said, he should be the last person to throw any impediment in the way of making a suitable provision for her Majesty, but he felt it to be his duty to oppose this grant. What was the condition of the people of this country? In Ireland they found no less than 2,300,000 souls who subsisted during a great part of the year by begging. He said, that if her Majesty had been well informed of these facts, she would not have accepted this amount for the civil list. Then let the House look to Scotland and Ireland. The workmen who had supplied the most splendid articles to ornament the rich, and who had furnished the most beautiful fabrics worn at the late lord mayor's dinner, were in the most pitiable plight. When he came up to London, in the year 1833, he called the attention of the House to this subject, and petitions, which had been subsequently presented by him, confirmed the statements which he had made. He had stated that many of these poor men, who were weavers, had no other means of subsistence from day to day. Since that period, three Committees in that House had proved all the allegations which he had made to be literally correct. The wages of the hand-loom weavers had been reduced in their amount. This had been stated in the petition from Manchester, and these petitioners declared that they were ready to prove the assertions which they made before the commissioners who were about to inquire into their case. He had heard a clergyman, too, in his evidence before the Poor-law Committee, declare that the labourers in his neighbourhood were reduced to living on bread and water. Now, when they saw the mass of the people suffering under such a state of misery, he thought with the hon. Member for Kilkenny, that they had a right to complain of that Administration who had been, and still were, the Queen's advisers. They had a right to complain of those Ministers who had not laid the real state of the people before her Majesty. Sure he was, that, had her Majesty been apprised of these melancholy facts, she would not have accepted the grant tendered without first requiring at their hands a redress of her people's grievances.

Bill to be engrossed.

Duchess of Kent's Annuity.] The Chancellor of the Exchequer moved, that the House resolve itself into Committee on the Duchess of Kent's Annuity Bill.

Mr. *Goulburn* rose for the purpose of making a few observations on the Bill before the House. Whatever objection he might have to the Bill in its present form, it did not arise from the provision made for her Royal Highness the Duchess of Kent; but the point he had in view, and which he was anxious to impress on the House, was, that in all money Bills especially, they should be extremely careful not to depart from the line of precedent which guarded the public against improper conduct either on the part of individual Members or on the part of the Government of the country. It was not merely matter of form, but was also matter of substance. The principle on which the House acted with respect to money grants was well known to be this, that no money grant could be made to the Crown until that grant had been considered in a Committee of the whole House. That was the first principle of all money grants, and it stood on a just ground, that there might be an ample opportunity of previous discussion. The second principle, which was one immediately arising out of the first, was, that whenever bills should be brought in, there should be no power in that bill of augmenting the provision that had been previously made in the resolution, otherwise they would have the power of defeating the original [rule, which was to have the amplest discussion on the whole grant in a Committee of that House. If the House bore that in mind, and looked at the printed bill, they would see that the bill was a direct violation of the rules and orders of the House. The resolution the House passed on a previous evening was that her Majesty be enabled to grant an additional yearly sum, not exceeding 8,000*l.*, out of the Consolidated Fund, for a more adequate provision for her Royal Highness the Duchess of Kent. On looking at the bill, to see how the resolution had been carried into effect, he found it was stated that "her Majesty should be empowered to grant by letters patent to her Royal Highness, for the term of her natural life, a certain annual payment or annuity of 30,000*l.*, of lawful money of Great Britain." Now it was obvious to any one that upon the face of the bill there could be no possible discovery of any connection between the grant of 30,000*l.*, in the body of the bill, and the vote in committee of supply of 8,000*l.*

The *Chancellor of the Exchequer.* The words are "Additional yearly sum."

Mr. *Goulburn*—Yes, that was stated: but those were not the terms in which the vote ought to have been made. The House would bear in mind the second principle he had laid down, namely, that there was to be no augmentation in the payment that was not stated in the previous vote. He was prepared to show that, even admitting the whole force of the word "additional," on which it appeared the Chancellor of the Exchequer intended to insist, there was in this 30,000*l.* an additional grant, for which no provision had ever been made by Parliament. The next sum to which her Royal Highness was entitled was a sum of 6,000*l.* given to her Royal Highness by an Act passed in 1825, and, as his argument with respect to the discrepancy between the bill and the resolution rested upon that and the subsequent Act, it would be sufficient for him to deal with it as applicable to that act, and not trouble himself or the House with the other. The Act which gave her Royal Highness 6,000*l.*, was an act to enable his Majesty to grant that sum annually to her Royal Highness the Duchess of Kent, for the purpose of enabling her to provide for the support and education of the Princess Alexandrina Victoria. The preamble stated, that it was expedient to make an additional provision for her Royal Highness the Princess Victoria; and it was granted in such a way that in the body of the bill no person could suppose that it was extended beyond the support and education of her Royal Highness the Princess Victoria, nor was there one word to imply that it was granted for her Royal Highness's life. There was not one word to intimate that it had been given for the life of the Princess Victoria; but it was expressly stated that it was given for her support and education. Let them construe the Act, therefore, as they would, it could not be extended beyond the life of the Princess Victoria. He, (Mr. Goulburn) believed, that when her Royal Highness became Queen that sum necessarily ceased, because her relation to the Throne necessarily superseded any provision for education, which was the object of the Act—and, therefore, his own opinion was, that the act referred only to her support and education, and that when these causes ceased to operate the grant necessarily dropped. He confessed, therefore, that it was with some surprise he heard that the principle was contested; but he would take it in a more extended sense, and he would say, what no one could deny, that the money which had been granted for the support and education of the Princess Victoria could not endure after she had expired; and that if it were contended that the grant had been given during the life of the Princess Victoria whenever she died they were bound necessarily to put an end to it. Even if the former principle which he had laid down had been denied no one could deny that the death of the Queen would put an end altogether to the grant. He thought his right hon. Friend, the Chancellor of the Exchequer, would admit that fact. [The *Chancellor of the Exchequer:* No, no.] He was anxious to hear by what argument the right hon. Gentleman could maintain that her Royal Highness the Duchess of Kent was entitled to that grant after the death of the Queen. If, however, on the death of the Queen, as he would suppose, for argument sake, the grant came to an end, then the Duchess of Kent had an annuity granted to her during the life of the Princess Victoria. He begged the House would follow him in his argument upon that point, for he feared he had not made himself very intelligible. What, however, did the Bill do? It gave 30,000*l.* to the Duchess of Kent for her own life. He had been told that 8,000*l.* additional was all that the resolution authorised; and as they stated it was so, the Bill ought to have been drawn to grant 8,000*l.* in addition to the provision previously made for her Royal Highness by Act of Parliament. That would be conformable to the manner in which votes had been made in Committee of Supply in that House; but here it was said that they gave her Royal Highness the grant for the whole of her life. He had shown them, by reference to the statute of 1835, that the grant of 6,000*l.* was for the life of the Princess Victoria. Taking it in the most extended sense, 6,000*l.* which had been granted for the life of the Queen could not be extended into an annuity for the Duchess of Kent; and, although the probability was, that the Queen, being younger in life, might survive her Royal Highness the Duchess of Kent; yet an annuity granted for the life of an individual herself was far more valuable than an annuity granted for the life of another; and although it was probable that an annuity for the life of the Duchess of Kent would not be continued so long as one for the life of the Princess Victoria, yet it was more valuable to the individual to have it granted for her own lifetime. That was, therefore, in the Bill a more valuable grant than the one stated in the resolution, and it was therefore a violation of the rules of that House. But if he was right on the other point, and that the grant had been given for the educational support of the Princess Victoria, then he said that he had made out a case to show that the 6,000*l.* now granted, ought to have been granted in Committee of Supply before it had been introduced into the Bill. He would not apply the argument which he had thus stated to another 6,000*l.* granted under the same circumstances, to which that argument also applied, though, perhaps, to a less extent. If the tenure upon which an annuity was granted was rendered more valuable than it was at first, the grant was, in fact, actually larger than had at first been voted by the Committee. He felt it his duty to bring this question before the House, for if the Bill had passed in its present shape a precedent would have been created for all succeeding Governments to vary the grants of public money from the sum voted in Committee. This practice had not been followed in preceding reigns, for when the tenure upon which annuities were granted to royal princes was changed, the resolutions of the Committee had distinctly stated the real nature of the grant to be conferred. All that he now asked was, either that the Bill should, like former Bills of the same kind, follow the terms of the resolution of the Committee of Supply, or that a resolution should be come to in Committee, expressly granting to her royal highness the Duchess of Kent 30,000*l.* per annum for life, in lieu of the allowance now given by Act of Parliament. He therefore thought the proper course would be to move a Committee of the whole House to make a grant to her royal highness the Duchess of Kent.

The *Chancellor of the Exchequer* said, that his right hon. Friend, in bringing the subject before the House, had done what was precisely his duty, and he personally thanked him for calling the attention of the House to it. Whether the right hon. Gentleman was correct in his reasoning, or in the inferences which he drew from the Act, undoubtedly the Bill on the table of the House ought to be conformable to its resolutions, and it was the duty of the House to see that the Bill introduced was precisely coincident with them. He wished to call to the recollection of the House that even if the arguments of the right hon. Gentleman were correct there had been no mystification on his part. He had assumed that her royal highness the Duchess of Kent had an income of 22,000*l.*, and he proposed to make it 30,000*l.* There, therefore, could be no charge of bad faith on his part, nor did he understand that any imputation had been cast on the Government by the right hon. Gentleman by the course he had taken. He knew that there was a difficulty in procuring the attention of the House to a subject like the present, but he thought it was one worthy of its consideration, and he therefore felt bound to bring it before the House. He thought, however, considering that the facts lay in a minute compass, that he should not feel it necessary to occupy its attention for any length of time. His right hon. Friend had stated rightly, that the Duchess of Kent held her income under three Acts of Parliament. As the Jointure Act was not now in question, he would pass that by. The Act of 1825, in the recital and preamble, declared that it was to provide for the more honourable support and education of the Princess Victoria; but then came the enactment which granted to the Duchess of Kent an annuity of 6,000*l.*: in the enacting part no reference was made to the Princess Victoria; it was a grant to the Duchess of Kent of 6,000*l.*, and it was true that there were no words in the Act giving it to the Duchess of Kent for her life. He would now come to the second Act, of 1831, which was to provide for the better support of her Royal Highness the Duchess of Kent, and for the better support and education of the Princess Victoria. That Act granted an annuity to the

Duchess of Kent of 10,000*l.*, but it stated that 4,000*l.* was for the life of the Duchess of Kent, and 6,000*l.* was for the life of the present Queen, then the Princess Victoria. Now he contended that, with respect to the grant of 4,000*l.* a-year to the Duchess of Kent as her jointure, there could be no question. The only question that could arise regarded the annuity of 6,000*l.* a-year, which had been granted in 1831 for the life of the Queen, and the grant that had been made in 1825. He believed, that when he stated the facts the House would agree with him, that no difficulties could arise with respect to these annuities either. He would first address himself to the grant of 6,000*l.* which was made in 1831; and he held that, with respect to this grant, there could not be a possibility of doubt that it endured for the lifetime of the Queen. Here was a beginning and an end, as clear as anything could be, for the Act declared, without a possibility of doubt, that the annuity should subsist from the time of the grant, and during the life of the Queen. If it were a principle of law, that in doubtful enactments the intention of the Legislature was to be arrived at by the preamble or recital of the Bill, it would be clearly shown by the preamble of that Act, that such was the intention. But there was nothing at all doubtful in the wording of the Act itself, for it declared that the annuity was to commence from the time of the grant, and to endure during the lifetime of her Majesty, and that it was payable to the Duchess of Kent. Now, it could not be contended either that the Queen was not still living, or that the annuity was not payable to the Duchess of Kent. He wished to impress on the House, that the grant was made for the lifetime of the Queen. The question then resolved itself into this—was the Queen still living, or was she not? and if she was still living, whether the annuity granted to the Duchess of Kent was to endure or not? Now, he held, that on every principle that annuity so granted still subsisted. He would take the liberty of referring the House to a precedent which he considered a most important one, as bearing on this question, namely, the annuity granted by statute to the Duke and Duchess of Clarence for their lives. The Duke and Duchess of Clarence ceased to exist when they became king and queen of England, but did the annuity cease? Certainly not; for it subsisted during the lifetime of the parties. If a new construction were to be put upon the Act of 1831, to the effect that the annuity of the Queen Dowager, under that Act, was terminable upon the death of his late Majesty, the allowance to the Duke and Duchess of Clarence ought, by a parity of reasoning, to have ceased upon the alternate *status* of those personages, when the Duke of Clarence was raised to the throne. There was a difference between the statute of 1825 and that of 1831. The former did not specifically declare that the grant to the Duchess of Kent was to be for life. If there had been a clause to that effect, the Act would be the same as the statute of 1831, which expressly authorised a grant to the Queen for her life, and letters patent were made out also in those terms. But what else did the statute imply than that the grant was to her for life? Would it be that the grant was to be enjoyed only during the pleasure of the Crown? He was glad to see the right hon. and learned Gentleman opposite (Sir E. Sugden) taking notes, as he (the Chancellor of the Exchequer) should have the advantage of his legal knowledge upon the question. He could not see any ground for doubting that it was a grant for life. But if it were regarded as a grant during pleasure, that construction would defeat the intention of the statute. Or was it, on the other hand, to be taken as a grant for the education of an individual, and to cease when the education of that individual was completed? Nothing was more common between subject and subject than to make a settlement upon a wife for the education of the children; and though one of them should actually die, the grant would continue to the mother. He knew that a grant from the Crown was to be considered on different grounds from a settlement between subject and subject. Amongst private individuals, a grant was to be construed in favour of the "grantee;" but, on the contrary, when the Crown was concerned, the grant must be construed in favour of the "granter." Well, if it were contended, as to the grant in the case of the Duchess of Kent, that (contrary to the law that prevailed in similar cases between subject and subject) the grant should cease on the completion of the education for which it was granted. He begged them to look at the statute, and see what its terms were. Though he hoped he had satisfied the House that (as he had acted certainly on the best advice) the proceedings upon this subject had been perfectly regular, he should be happy to hear the right hon. Gentleman opposite, for if a mistake had been fallen into, he would most willingly correct it.

Lord *John Russell:* Will the House allow me to say a few words before the right hon. Gentleman opposite addresses himself to this question? I would remark, that there are two different parts of the question; one is what belongs to the Duchess by law, and what is allowed her by this Bill; and the other which has been raised by the right hon. Gentleman opposite is, as to the forms of this House and the mode of proceeding which should be adopted in order to make this Bill conformable to precedents. As to the first question, I think my right hon. Friend's argument—confirmed as it is by the authorities which he stated—is fully sufficient to dispose of it. But with regard to the other question—of the Bill being conformable to the resolutions of the Committee—I think there may be considerable doubt upon it. And I shall be happy to hear the right hon. Gentleman opposite address himself to both parts of the question, for I agree that, in our present proceedings, it would be well to leave no doubt upon the subject, and that what we do should be in exact conformity to former precedents.

Sir *Edward Sugden* said, it would be in the recollection of the House, that when the right hon. Gentleman, the Chancellor of the Exchequer, proposed the resolution for 8,000*l.*, he being perfectly aware of the objections that might arise, but not wishing to state them so as to throw any impediment in the way of what was then going on, got up and suggested to the right hon. Gentleman that he had better take the resolution for 30,000*l.*, including what the Duchess was already entitled to. He did not blame the right hon. Gentleman for not having adopted his suggestion, and he only mentioned it for the purpose of putting himself right with the House, and to show that his object was not to raise an impediment, but to prevent an obstruction. With these observations, he would come at once to the real question at issue. Now, he must say, that the Chancellor of the Exchequer had no right whatever to disqualify himself upon the ground of want of legal knowledge, because he had discussed it with a knowledge of the subject which no Gentleman could dispute. The two questions of law arose on the two Acts, and the third question was that which the noble Lord had called to his attention—the question upon the forms of the House. As regarded the two Acts, he agreed with the right hon. Gentleman, they should be put out of the question. Her Royal Highness had, under the Act of 1825, 4,000*l.* for herself, and 6,000*l.* for the honourable support and education of the Princess; and she was now, subject to the approbation of the House, entitled to 8,000*l.*—that made 18,000*l.*, and the question now was, whether the resolution should be for the additional 12,000*l.* added to the Bill. As regarded the first question relating to the Act of 1825, the right hon. Gentleman, the Chancellor of the Exchequer, had stated the case of the Duchess of Kent was similar to the case of an annuity granted to a married woman for the support of herself and children; and if they died, the annuity would be vested in herself. Generally speaking, that was so; for this reason, that the intention was so clear nobody could doubt it—he who ran might read. "I give to my wife 5,000*l.* a-year for her own support, and the bringing up of her children"—what did that imply, but that she was to bring up her children while they required to be brought up? and therefore no such question could arise there. As regarded the particular construction of the Act of 1825, it depended on particular grounds, and he would state to the House generally, what he considered to be the grounds. He begged again to say, that he would state his opinions as if he was talking to any private friend, and not as an individual sitting on the Opposition benches. The rule of law was, that the title of an Act should agree with the preamble; but, generally speaking, the preamble did not contract or govern the enacting part. Taking the statute of 1825 by that rule, they would find the title of the Act agreed with the preamble, and the preamble was, to grant an annuity for the Duchess and the Princess. This was an annuity to the Duchess for the honourable support and maintenance of the Princess. It might be that it was intended for life, but there being an ambiguity, they were entitled to look at the preamble to clear up that ambiguity, and to gather from the preamble what the intention was. Taking the preamble and the enacting part together, and giving it a fair and honest construction according to its meaning, he should hold that the meaning of it was, to provide an annual sum to the Duchess for the annual support and education of the Princess—during what time? Why, necessarily, during the time the Princess needed it. His own opinion was, not giving it as from the opposition side of the House, that that grant of 6,000*l.* had virtually, if not legally, and according to the true intent of the Act, ceased, and was no longer in existence. Now, the question as regarded the annuity of 10,000*l.* under the Act of 1831 was of a different nature, and he believed that presented a dilemma in the way of the right hon. Gentleman as regarded the third point, to which the noble Lord had called the attention of the Chancellor of the Exchequer, with reference to the construction of the Act of 1825. The annuity might have been wanted beyond the minority of the Princess to pay for her education, and the Act, he had no doubt, was drawn in the most generous and ambiguous terms, in order to let in any case that might occur. As to the Act of 1831, that admitted of no question or dispute about the purpose for which the 6,000*l.* a-year was to be given. The preamble was to make a condition "for the better support of her Royal Highness the Duchess of Kent, and the honourable support and education of the Princess." The way in which that Act empowered the Crown to grant the annuity of 10,000*l.*, was 4,000*l.* a-year for the life of the Duchess, and 6,000*l.* a-year for the life of the Princess. The 4,000*l.* a-year was given to the Duchess of Kent for her own support, and therefore for her own life; the 6,000*l.* being for the education of the Princess, was confined to the life of the Princess, and was not given to the Duchess in her own right. The right hon. Gentleman had said, that the annuity of 6,000*l.* endured for the life of the Princess. If it did, it would be necessary to go into Committee of the whole House. The right hon. Gentleman had stated very positively his opinion that such was the case; but he (Sir E. Sugden) was decidedly of a contrary opinion. He had no more doubt than he had of his own existence that the annuity would not endure to the personal representative of the Duchess beyond her life. The rule of law was, if it was intended to make a personal gift, it could not go to the personal representative. The grant here said nothing about the executors or administrators of the Duchess; it only said that 6,000*l.* was for the life of the Princess Victoria, and the 4,000*l.* was for the life of the Duchess. Now, he held it to be as clear as any point could be, that, if a personal grant was made to the Duchess for the life of the Princess, and another to the Duchess, that if the latter died, there would be an end to the payment. Then it would be true that a case had taken place that was not provided for by the Act; but if that was so then they must come again to the House. Another point arose upon the Act of 1831, which had been argued by his right hon. Friend, the Chancellor of the Exchequer, namely, whether the Duchess, during her lifetime would be entitled to the 6,000*l.* in the event that had happened. In his opinion she would certainly not, according to the equity of the case or the spirit of the Act. The 6,000*l.* had been given for the education of the Princess, and when that object was rendered unnecessary, the grant would cease. He considered, therefore, that the grant of 6,000*l.* had ceased with the necessity for which it was voted. He did not consider the case of the late Duke of Clarence to be at all in point. Had the grant to his Royal Highness been for his natural life, no change of station could have terminated it, but, in fact, it was surrendered on his Royal Highness's accession to the Throne. There was another point on which he wished to make an observation—as to the effect of the resolutions of the Committee. Assuming even that, as the Chancellor of the Exchequer had stated, the second Act gave the additional annuity to her Royal Highness the Duchess of Kent for her life, it was clear that the House must go into Committee to make a new grant; for the life on which the annuity was granted could not be changed without a resolution of that House. It was not a question as to which life was most valuable. Supposing that one was worth a year's, and the other forty years' purchase, the former could not be changed for the latter without a resolution of that House. In point of law he submitted, most undoubtedly in point of equity, and according to a fair construction of the words of the Act of Parliament, the 12,000*l.* a-year was no longer in the possession of the Duchess for the purposes of expenditure. But it was the general feeling of the House that her Royal Highness should enjoy the whole 30,000*l.* per annum, as some mark of the nation's gratitude for her careful education of her illustrious daughter. Without offering the least objection, therefore, to that grant, he merely suggested that a Committee of the whole House should take the question into consideration, for the purpose of making the proceedings conformable to precedent.

The *Chancellor of the Exchequer* was extremely glad of the proposal made by the right hon. Gentleman opposite, and without going further he would say the course laid down by him would relieve the House from the danger of misapprehension in a matter of such importance. He would, therefore, adopt the course suggested by the right hon. Gentleman, and move that the House resolve itself into a Committee of the whole House, in order to pass a resolution which would be in conformity with its rules. If the right hon. Gentleman saw no objection, he would, in order to give effect to his suggestion, fix the Committee on the Bill for a future day.

Original motion withdrawn; and the House, on the motion of the Chancellor of the Exchequer, resolved itself into a Committee of the whole House, to take into consideration the acts granting annuities to the Duchess of Kent, and her Majesty's late most gracious Message.

The *Chancellor of the Exchequer* moved, "That the several annuities granted to her Royal Highness the Duchess of Kent, in pursuance of several acts of the fifty-eighth year of King George the 3rd, the sixth year of King George the 4th, and the first and second year of his late Majesty, King William the 4th, shall cease and determine at such time as may be fixed by any Act to be passed in the present Session of Parliament; and that, in lieu thereof, her Majesty be empowered to grant, out of the consolidated fund of the United Kingdom of Great Britain and Ireland, a clear yearly sum of 22,000*l.* to her said Royal Highness, for her life, which sum, in addition to the yearly sum of 8,000*l.*, already agreed to be granted in the present Session, amounts to the clear yearly sum of 30,000*l.* for the life of her said Royal Highness."

Resolution agreed to. The House resumed.

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HOUSE OF LORDS,

Monday, December 18, 1837.

Minutes.] Petitions presented. By the Marquess of Lansdowne, from the Society of Friends in England and Wales, against the Municipal Officers' Declarations Bill, because it does not extend to them.

Post-Office.] Lord *Brougham*, in presenting a petition from the Lord mayor, Aldermen, and Commons of the city of London, in common council assembled, on the subject of the Post-office, said that no portion of her Majesty's subjects had a deeper interest in the good regulation of that great establishment than the citizens of the great city whom the petitioners represented. The petitioners stated that a swift communication by post tended greatly to the improvement of the commerce, manufactures, and agriculture of this country, and was also highly important for the collection and diffusion of information, by which the education of the people would be greatly accelerated, as well as friendly intercourse forwarded. The mercantile part of the city of London had turned their attention to this subject; they had very fully gone into the details; they had themselves very extensive experience on the question; they had the capacity beyond most men of examining the particulars and principles of any plan which might be adopted for its improvement; therefore their opinion was entitled to operate by way of testimony in reference to any plan, and they gave it in favour of Mr. Rowland Hill's. It did not appear that they approved that plan in all its details; but it was clearly the principle of that plan to which they referred, because they alluded to the ninth report of the Commissioners of Post-office inquiry, and prayed that the Government would make the experiment suggested in the first instance in the twopenny-post department. He need hardly remind their Lordships that there was no authority on such a subject so high as that of the mercantile and trading classes of the community; and there was perhaps no person of higher authority among mercantile and trading men than his noble Friend (Lord Ashburton). That noble Lord had come to the opinion that the conveyance of letters was not of itself—a due regard being had to the convenience of the public—a proper subject of taxation for the purpose of revenue. No doubt the difficulty would be great of retracing their steps; but if the question were raised for the first time whether a great mercantile country ought to make the postage or conveyance of letters a subject of revenue or a matter of taxation, he thought the answer of his noble Friend would be in the negative, as well as the answer which he himself would give. He would now take it that even after so large a revenue as a million and a half had been collected and received, even if the alteration tended generally to lower that revenue, it would in the end not only compensate itself, and raise the revenue to its former pitch, but would greatly increase that revenue. Such was the proposition which, as soon as the question came before their Lordships in a more fit shape to decide, he (Lord Brougham) for one was prepared to maintain. He would go at once to the reduction of one penny per half ounce, which was the proposition of Mr. Hill. He (Lord Brougham) did not mean to assert that such a diminution of the postage would so largely increase the number of letters so as to bring up the gross revenue to its present amount. He would go further. He looked forward to the great boon which it would confer upon the whole mercantile world in this country—the vast increase which it would give to the great trading interests of the country, by which the revenue in every branch must be greatly and wonderfully increased. He rejoiced at the presence of his noble Friend the Postmaster-General, because he wished much to tell him that he (Lord Lichfield) had failed to satisfy his (Lord Brougham's) mind that the plan suggested by Mr. Hill was so totally impracticable as he had stated it to be. He conceived that the whole of his noble Friend's calculation was founded upon a statement that the total number of letters now was between forty-two and forty-three millions. His noble Friend confined himself exclusively to the general post, but there the author of the plan, Mr. Hill, and the authorities at the Post-office, were at direct issue. That was the very point in dispute between the parties. Mr. Hill calculated the letters going through the Post-office at 79½ millions—in round numbers, 80 millions. He believed it was a fact beyond dispute that 22½ millions passed through the Post-offices in London in a year. Ten millions of those 22½ millions went through the general post, while 12½ went through the twopenny or threepenny post. In the calculations, therefore, they were to deduct the 10 millions from the 22½ millions. His noble Friend had taken those 10 millions, and made his calculation for the whole country. He found these yielded 460,000*l.*, and then he found the whole of the general post letters for the United Kingdom yielded about four times that sum. This proceeded on the assumption that the average value of the country letters to the revenue was precisely the same as the average value of the letters in the London district; the average of each letter in the London district was calculated at 12½*d.* Every one knew that the amount of postage in London was larger than in the country, because the London letters included large packages of foreign letters, which went to swell the amount of the postage received, and to increase the average value of the letters, and might raise it to 12½*d.* in the London district. But in the country districts there were no such circumstances, because very few foreign packages were sent into the country. It was not correct to state that Mr. Hill's plan made no provision for any increased expense in the Post-office department, in consequence of the increased number of letters and the amount of business to be attended to; he allowed 225,000*l.* for the additional expense of working his plan. The impracticability was another grand objection to this plan; there was nothing new in that objection. Indeed, the word had often been used in that House and elsewhere as establishing an insuperable objection to all plans for the improvement of the Post-office. He could refresh the memory of their Lordships by referring to the places and occasions when this word had been used as reasonably and quite as positively as it was now used. Their Lordships would recollect that in the year 1784 a gentleman named Palmer recommended the adoption of a system of mail-coach carriages, when at that time the mails were carried at the rate of three miles and a half an hour. Mr. Palmer was of opinion, that they could be carried at the rate of seven miles an hour, if not more. Did not their Lordships recollect the alarm which the announcement of this proposition spread through every department of the Post-office? Did they recollect the indignation, the absolute contempt—the scornful contempt with which it was received by all the officials of the Post-office? A contempt equalled only by the loud chorus of applause which they rung in the ears of Parliament in praise of every one man, every one rule, every one regulation in any way connected with any one department of that most perfect establishment, the Post-office of 1784, with its safe, sure, and steady mails of three miles and a half an hour. The Committee of the House of Commons, in its Report upon this subject in 1797, declared, that "the more we consider the plans of Mr. Palmer, the more are we convinced of the insuperable difficulty in attempting to bring them into operation. The officers of the Post-office, whom we regard as the best judges of the question, have been examined before us, and are unanimously of opinion, that the thing is totally impracticable." Another Committee, reporting on the same subject, said, "We have examined the oldest and ablest officers of the Post-office," (it was always the oldest and ablest, for the Committees considered the term synonymous), "and the oldest and ablest officers had no confidence whatever in the plan." Indeed, in looking over these Reports, he found that it was always the oldest and ablest who had the greatest contempt for improvement, and that the older an officer was, the greater contempt he had for the officer who was less old than himself. They were all, however, both young and old, positively of opinion, that the plan of Mr. Palmer was not only impracticable, but dangerous to commerce and finance. It was frightful for their Lordships to think of the dangers which the commerce and finance of the country had escaped since that period. They had been exposed, not only to the dangers of the French war and the orders in council, but they had likewise escaped the dangers incurred by the melancholy and awful change of the speed of the mails from three and a half miles to seven miles an hour. But that was not all; the finances of the country had an escape possibly greater. When Mr. Palmer, in 1784, laid his reckless hand on the pace of the Post-office horses, the revenue in that department was 150,000*l.* a-year, and it had since that time fallen to 1,500,000*l.* Notwithstanding all that had been done to accelerate its fall by increasing the speed of mails, and although the Bath mail, instead of taking eighteen hours on its journey, arrived now in thirteen or fourteen. It was the tortoise they emulated at the Post-office. It might be supposed to be a very simple proposition, that the passengers and property which went by the mail, would be more safe from there being a guard to each coach. The old and able officers of the Post-office, however, thought differently. They contended that it was a most erroneous notion to suppose that, having a guard, would increase the security. One of the objections they urged was, that in a case of robbery, where there was a guard, there would be resistance, and the result of that would be bloodshed. They maintained that the only way of preventing robbery was to cut the Bank notes and send them by the mail. People must send one half, and wait till informed of its safe arrival before they sent the other. Speaking, no doubt, from actual experience, they said that the strongest carts that could be made, lined and bound with iron, were not proof against the robbers of mails. He begged their Lordships' pardon for giving them these specimens of the wisdom of their ancestors. Those personages, however, had interrupted the progress of Mr. Palmer's plan in every possible way; they had cast cold water on it for months and years; and yet no sooner was it established than all approved of it, and all felt the benefit of it, except the Postmasters, who, for eighteen months afterwards, said it was dangerous and detrimental to the revenue. They all agreed that it was chimerical, visionary, speculative; but all the chimera and speculativeness that existed in relation to the plan, was not in the plan itself, but in the objections raised by those who had nothing better than needless alarms to guide their easily pervertible minds. Had he presented this petition, as he proposed, a few nights ago, he should have asked his noble Friend if it was intended to try the plan in the way recommended, but that question had now been answered, and, he was sorry to say, answered in a very unsatisfactory manner. He knew his noble Friend too well to suppose him capable of holding out any expectations for which he had not good grounds. Very sanguine expectations had been entertained, but contrary to those expectations the hopes of himself, of many others, and amongst these he believed his noble Friend himself had been greatly disappointed. Instead of carrying into execution the plan according to the ninth report, another plan was to be carried into execution totally different in its nature, and which might fail over and over again, without the possibility of even a post-office speculator pretending that it was a failure of Mr. Rowland Hill's plan, because it was to be confined now to the twopenny-postage. Mr. Hill's plan was not that the postage should be reduced to twopence—it was that the postage should be reduced to a penny—the twopenny and threepenny postage to a penny for all letters, and to try the plan in the twopenny and threepenny post alone. Instead of this, the plan proposed to be tried was not the reduction of the postage to a penny, but the reduction to twopence, which, if it failed, either in reference to revenue or in any other respect, would be no kind of test whatever of the merits or goodness of Mr. Hill's plan, but would be an experiment, under the pretence of trying Mr. Hill's plan, utterly inconsistent with it.

Viscount *Duncannon* said, that after meture consideration, it was found to be inexpedient to try the experiment of Mr. Hill's plan to the full extent that had been proposed. In the ninth report of the Commissioners, in which Mr. Hill's suggestions were embodied, it was recommended that stamp covers should be issued by the Post-office at one penny, to carry every thing under an ounce weight, not only for the short distance of three miles, but for twelve miles round the environs of London. The other part of the plan was, that there should be a stamp cover for two-pence, to carry any weight not exceeding six ounces; and that suggestion was founded on the representations of the London publishers, who wished to have this means of transmitting pamphlets and other light publications to the country. His right hon. Friend, the Chancellor of the Exchequer, however, did not intend to carry those suggestions into effect in the way proposed, but he determined on the issue of penny stamp covers for the short distances, and to reduce the fourpenny post to twopence. He admitted that this could not be considered as a trial of Mr. Hill's plan, but he thought it the safer course in the first instance.

The Earl of *Lichfield* said, there were one or two points in the noble and learned Lord's calculations which were in some degree incorrect, and which he could have set right if he had brought down the returns which had been prepared on the subject. What he had stated was, that forty-two millions of chargeable letters passed through the general post-office; and the way of ascertaining that was not according to the mode stated by his noble and learned Friend, which was, in reality Mr. Rowland Hill's plan. The way in which Mr. Hill calculated was, that about ten millions of letters passed through the general post, which being multiplied by four, the calculated increase would amount to forty millions. He then took ten millions of twopenny post letters, which he had multiplied by four, and that made the eighty millions of letters; but their Lordships must be aware that there was no twopenny post throughout the country, and Mr. Hill had no right to multiply the twopenny post circulated four times. To bring this plan to a fair test, he had no right to join the two-penny and general post office together. They were distinct departments, and the revenue derived from the post-office being so much, and the post letters being so many, the expence of transmission amounted to about one penny on the conveyance of each letter. Mr. Hill stated that the expense of conveyance was only a penny 1-16th, and he calculated upon one hundred and thirty-six millions of newspapers and letters passing through the general post-office. Mr. Hill had not made any sufficient provision for the increase in the establishment that this increased bulk would require. The charge on the post-office for transmission by the railways would be by weight, and there was no hope that the charge for transmission by that conveyance would be at all reduced. Mr. R. Hill had entirely omitted to provide for the greater bulk of additional letters in his plan. At present the cost of mail coaches, &c., was 100,000*l.* per annum, for the conveyance of forty millions of chargeable letters, the chargeable correspondence paying for the transmission of the free correspondence, and if the postage charge were generally reduced to one penny for each letter, it would require twelve times the present circulation of letters to produce the revenue now derived from the post office charges. There was no prospect of any possibility of reducing the clerk establishment of the post-office. As it was it required the utmost exertions on the part of the sorting clerks to sort the letters, though the daily average was not more than 30,000. Indeed it was consisidered a very heavy evening when 30,000 letters went out of town. The number of newspapers was frequently 50,000 or 60,000. Supposing that, with the reduced charge of one penny on each letter, it were found that ten times the present number of letters were transmitted through the Post-office, this would obviously require a proportionate increase in the number of sorting clerks; for, instead of only 30,000 letters to sort between five and half-past seven o'clock, there would be 300,000; and, besides this, it would become absolutely necessary to enlarge the Post-office itself. He was ready to admit that a very considerable reduction in the Post-office charges might be made without any serious injury to the revenue; but it must be remarked, that to depart at all from Mr. Hill's penny charge, would be to depart altogether from his principle, which was based on one uniform penny rate of postage. He quite agreed that the experiment now about to be made could not be regarded as a trial of Mr. Hill's plan. It was not a reduction of the postage dues, but simply the giving parties the option of substituting a stamped envelope for the present mode of payment. If this mode of transmission were found to meet with public approbation, then it might become a question how to apply the system to the general post. As to Mr. Hill's plan, he was quite sure that its adoption would cause a considerable loss to the revenue.

The Earl of *Radnor* agreed with what had fallen from the noble Lord who had just sat down; but what Mr. Rowland Hill had a right to complain of was, that so much of his plan only had been taken as would ensure its failure, and induce the belief that it was his. The experiment was, whether the public would adopt a plan of envelopes, which they were to pay for beforehand. He knew that it was difficult to get the public out of an old track, and he was afraid such would be the case with the present experiment. Another objection was, that there would be a manifest loss in manufacturing the envelopes, some of which he had seen, and he must confess they were very beautiful, but they were to be manufactured by most intricate machinery, which would require a very great outlay for its construction. He thought it must be evident to every one that if Mr. Hill's plan were partially adopted there would be a very great increase of letters. He had presented a petition from the booksellers of London on Friday night last, in which it was stated that if the taxation was reduced their correspondence would increase to the extent of twenty thousand, and in some cases fifty thousand letters a year. There would certainly be a neceesity for a considerable extension of the Post Office, and the employment of a greater number of sorting clerks; but Mr. Rowland Hill had pointed out a mode by which a great saving might be effected in another department—that of the accountants. He protested against the slighting and disingenuous manner in which Mr. Hill's plan was treated.

The Duke of *Wellington* said, that the impression on his mind certainly was, that the Government had taken the right course on this subject. Nothing could be so fatal as a great and sudden diminution of the rate of postage, and consequently revenue, particularly if it should be afterwards found disadvantageous. He had a great notion that it would be utterly impossible to reduce the rate of postage to a 1*d.* on all letters that were sent through the Two-penny Post. If the profit were at present 60,000*l.*, and 60,000*l.* only, and if the number of letters as was stated, varied exceedingly; the Government would find that 60,000*l.* would not afford them the means of reducing the charge for the carriage of letters to 1*d.* Under these circumstances he thought that the Government had acted with great prudence in beginning their experiments on this system cautiously and by degrees. His opinion was, that they were quite right not to be in too great a hurry to reduce the payment of postage on letters. No person, not even the noble and learned Lord (Brougham) pretended that there should be such a reduction that the profits would be insufficient, not only to carry on the Post Office department, but to administer all the duties and pay all the expenses; that was the lowest point to which the reduction ought to be carried, but he was confident that the present proposal would carry it further.

Lord *Brougham* wished to disabuse the House on this subject. It was a mistake to suppose the plan of the Government was to be an experiment of Mr. Hill's plan. It had just enough of resemblance to Mr. Hill's plan to make the public suppose that the plan had a trial, and in the event of a failure to enable the opponents of the plan to say that it had failed. It was not even an experiment of degrees. In no one way could it be said that it was a step towards carrying out the details of Mr. Hill's plan. It bore, to be sure, a resemblance to it, but he denied it carried with it its important features. He denied that

Mr. R. Hill's plan included General and Two-penny Post letters, and he was satisfied that inquiry would prove his calculation of eighty millions was right. The noble Lord had asserted that Mr. Hill had made no allowance for the increased expense, but their Lordships would find that he had allowed neariy 230,000*l.* for that purpose, the remaining sum required to be obtained byan improved management.

Petition laid on the table.

MUNICIPAL OFFICERS' DECLARATION BILL.] The Marquess of *Lansdowne*, in moving that the House go into a Committee on this Bill, presented a petition from certain persons connected with the Society of Friends in England and Wales, and describing themselves as the representatives of that Society, stating that this Bill had not been brought into Parliament at their instance or request—for the objection of members of their society went not only to the oath or declaration which parties were called upon to take on entering upon corporate office, but also the jurisdiction which, as members of a corporation, they might be called to exercise over tithes and other ecclesiastical matters. The petitioners further stated that this Bill would not reach their case—they required not to be subjected to themaking of any declaration to which they objected on conscientious grounds, and they expressed a hope that the House would relieve them from the penalties to which they were now exposed for declining to take upon themselves offices which they could not take without violating their conscience.

The House resolved itself into a Committee.

Lord *Brougham* moved the amendment of which he had given notice on a former evening. This Bill ought not to be confined to three sects of Christians—it ought to extend beyond the Quakers, Moravians, and Separatists, and to apply to all classes of her Majesty's subjects who entertained similar scruples. The Jews could not take the declaration contained in this Bill. But it was said why not bring in a separate Bill for the Jews? In his opinion, it would be infinitely better to tell them canidly at once, " Here we draw a line ; we admit Quakers, Moravians, and Separatists, but we positively exclude all Jews and Scotch Cameronians from participating in the benefits of our toleration." He could not believe such had been the intention of those who brought in this Bill ; nor could he at all comprehend the reason of that unintelligible feverish anxiety which seemed to be felt in some quarters with respect to the admission of the Jews. He hoped their Lordships would consult their own dignity, and, disregarding the crotchets of particular individuals, give generously and at once that relief to all classes of her Majesty's subjects, to which he maintained al were entitled. He should therefore, with this view, move after the words, " Quakers, Moravians, and Separatists," in the preamble, the introduction of these words, " and others," for the purpose of extending the provisions of the Bill to " every person entertaining conscientious scruples against taking an oath, or making a declaration in the nature of an oath."

The Earl of *Shaftesbury* very much doubted whether under the title of the Bill, as it had come up from the Commons, it was competent for them to make such a complete change in the form and substance of the Bill. It was a Bill only for the relief of certain persons. He did not think they could so alter the whole measure as to make that relief general.

Lord *Brougham* did not think their Lordships in any way bound by the title of the Bill.

The Earl of *Shaftesbury* insisted that the Bill only contemplated certain parties.

Lord *Brougham* maintained the object of the Bill was to grant relief.

Lord *Holland* thought it was quite competent for the House to entertain the amendment of his noble and learned Friend, although at the same time they must retain enough in the Bill to answer its general scope and intention as expressed in the preamble. As far as the Bill went it proceeded on a very benevolent and just principle, and that which was benevolent and just in legislation must always be politic and wise. But, although he was disposed to accept the Bill as it was, he confessed he did not think it went far enough. At the same time, there was something in the Bill to which he could not without great difficulty reconcile his mind. He had the greatest objection to call upon any man to declare what was his personal faith in religion, especially in reference to a particular religion of which the law took no cognizance. It looked very much like an attempt to establish a court of inquisition, which was altogether foreign to every principle of the British constitution. They called upon a man to declare himself a Quaker; on what grounds was any man to be called a Quaker? Was it because he might consider himself so, or because he was recognised as a Quaker by the Society of Friends? Suppose they repudiated him as one of the body; were they to examine his particular opinions, or turn him out of his office to incur the penalties of the law? He did not think this was necessary to the object of the Bill. The object of the Bill was at once to relieve tender consciences of this kind, and furnish to the establishment of the country that which at the time of the repeal of the Test and Corporation Acts was considered a sufficient protection and security. The whole of that security and protection was contained in the latter part of the declaration. There was nothing in a man's declaring himself to be a Quaker, Moravian, or Separatist, that could afford any security to the establishment. The security did not consist in that, but in his affirming publicly, solemnly, and in the face of the world that he will not make use of the authority conferred on him by the office to work any injury to the establishment. Was that a sufficient security, or was it not? If not, would it be improved by designating him a Quaker, Moravian, or Separatist? A Jew might come in under the description of a "Separatist," but it was not necessary to make any nice distinctions. In his opinion, it would be better; and if his noble and learned Friend had not moved his amendment, he (Lord Holland) would have proposed to leave out all the words at the beginning of the declaration about Quakers, Moravians, and Separatists, so as to make it apply "generally to all having conscientious scruples."

Lord *Brougham* said, that was substantially his motion.

The Bishop of *London* did not think the actual state of the case was exactly as the noble Lord (Holland) had represented it. The noble Lord seemed to think that the real force of the declaration consisted in the pledge given by an individual, that he will not use any power, authority, or influence he may acquire by virtue of a municipal office to the overthrow or prejudice of the Church of England. That was a very important part of the declaration no doubt, but not the only part, nor that on which the great stress was laid, when, with considerable difficulty, the same parties now pressing forward this Bill induced their Lordships to consent to the repeal of the Test and Corporation Acts. It had hitherto been the policy of this country, that the Government, whether general or local, should be a Christian Government; and when the Test and Corporations Acts were repealed, it was strongly insisted that, at all events, they would not give up the security that those called on to administer office in the great council of the nation, or in the municipal corporations throughout the country, should be at least ostensibly Christians. And hence the words in the first part of the declaration of the Act of George 4th were, "I declare, on the faith of a Christian," &c. The difficulty which the Quakers, Moravians, and Separatists felt was not any difficulty as to making professions of security to the Established Church, but as to making any declaration which on the face of it was equivalent to an oath. They would not sacrifice the principle, if in place of an oath they permitted persons professedly Christians to make a declaration instead; but if the present amendment were adopted, they would at once abandon the principle. Without stating any decided opinion on this question, he did most strongly object to interposing by a side wind so important a change in the municipal government of the country as that advocated by the noble and learned Lord. Considering that the most important body, for whose relief it was intended, the Quakers, had to-night, in the petition presented by the noble Marquess, repudiated the relief proposed by the Bill—considering, also, that one of the other two classes comprised in the preamble, the Separatists, comparatively of recent date, and very inconsiderable in number, were almost wholly confined to Ireland, to which part of the United Kingdom the Bill did not apply, he thought it would be much better to postpone the Bill till a later period of the Session. At all events, he hoped their Lordships would not consent to either of the propositions made by the noble Lords.

The Marquess of *Bute* did not think the Bill in its present state creditable to the other House of Parliament. The amendment, however, of the noble and learned Lord would considerably improve it, and, if pressed to a division, he would vote for it.

The Marquess of *Lansdowne* admitted the justice of the principle advocated by the noble and learned Lord. He was not indisposed to the extension of the provision of this Bill to Jews. If their Lordships thought as he did, that the tolerant character of the measure then before them ought to be extended, they ought not to be deterred from carrying out the bill, or rather the principle of the bill, to a still greater length. He did not object to the doctrines respecting the measure which had that night been advocated in their Lordships' House, but what he contended for was this, that the bill was not originaly so framed as to meet those views. So far he agreed with the noble Lords who had spoken; he agreed likewise with some of them in thinking that there was, and always must be, great difficulty in legislating upon subjects of this nature, where definitions respecting religious belief and opinions were required, for it was not easy to imagine how courts of law could enter upon such inquiries without assuming to themselves inquisitorial powers inconsistent with the principles of the British Constitution. He professed himself favourable to acting upon broad principles; but until a measure of that nature was introduced with full notice, he thought the most advisable course would be to pass this Bill at all events; for, as far as it went, it would be a positive gain, extending, as its enactments did, to the three denominations. Gradual relief had always been the practice of the Legislature, and an instance of it occurred only two years ago, when certain disabilities affecting the Separatists were unmoved. Then, further, he wished to observe, that in passing this Bill, which was confessedly good so far as it went, they did not preclude themselves from acting at a future time upon more extended principles. As he had before, in effect, said, he was perfectly willing hereafter, to support a measure for restoring rights enjoyed by religious sects, but he did not see how the present Bill could be extended, especially without previous notice. For these reasons he should feel bound to resist the amendment.

Lord *Brougham* observed, that the arguments which had just fallen from the noble Marquess convinced him that in the speech just finished he ought to have arrived at a totally different conclusion. His noble Friend had told them that their arguments were unanswerable — that it would be vain to attempt any reply to their reasonings—that their data were beyond all possibility of dispute; but still his noble Friend declared that he should vote against them; and why? Simply because he agreed with them. He told them that they were likely to be defeated, and in the same breath he told them that he was resolved to deprive them of the least chance of escaping that defeat by declaring that he should vote against them. He doubted not that their Lordships must have felt no small astonishment at the process of reasoning by which the noble Marquess convinced himself that he ought to say to so many noble Lords in that House, "You desire to carry an extended measure, and so do I, but I will not support you." Could any man hesitate for a single moment to admit that a Jew or a Cameronian must feel himself stigmatised by the present Bill? Every religious sect not included in the description must feel it to be an invidious distinction, and to that extent must feel that he had been ill-treated —nay, placed in a worse situation than before as to any eventual chance of relief. The Bill professed mainly to let in the Quakers—they were the great body whom the promoters of the measure undertook to relieve; but what was the fact with regard to that numerous, important, and highly respectable class of men? They declared that they could not conscientiously avail themselves of the provisions of the Bill. He highly esteemed the Quakers as individuals, he venerated their principles, and admired their practice; he was, therefore unable to feel otherwise than grievously disappointed that a measure professing to be for their advantage should prove to them no advantage at all. In the petition which had been presented to their Lordships it was most distinctly stated by the committee of that body that the Bill would afford them no relief; and he begged it to be understood that this committee did represent the whole body, as much as the commission of the General Assembly of the Church of Scotland represented the whole body of the General Assembly. This relation, his noble Friend, from his early education, would readily understand. It had been observed that the sects not admitted by the Bill comprised each no great number of individuals; but let it be recollected that the sects themselves were numerous, and that the aggregate of individuals was by no means inconsiderable—

that they were scattered through every portion of the United Kingdom, and that the stigma cast upon the excluded would carry a sense of ill-treatment into every part of the country.

The Marquess of *Lansdowne* begged it to be understood, that though admitting the force of argument by which the amendment was supported, he yet considered such an amendment inadmissible in deliberating on such a Bill with such a notice; so large a principle as the mover of the amendment contemplated was inconsistent with a Bill so framed. The measure as it stood would let in the Separatists, Moravians, and Quakers. Let a larger measure be properly and regularly introduced, and it should have his support.

Lord *Holland* agreed, that the course which his noble Friend proposed to take—namely, that of going on with the Bill in its present shape, was better calculated to secure success now, and to extend that success hereafter, than the other course which he, and those who thought with him, felt bound to take in supporting the amendment. No doubt, any noble Lord might support the Bill without being a jot less friendly to the more extended principle. His more immediate purpose, however, in rising, was to notice a remark which fell from a right rev. Lord near him. That right rev. Prelate appeared to him to contend that the purpose of the declaration was to ascertain the Christianity of the person chosen to fill an official situation. Now to him (Lord Holland) it did seem that that was not a matter within the province of human authority. It was contrary to that freedom which formed one of the foundations of Protestantism; and to admit such a principle into British legislation would be a step towards the establishment of an inquisition. It was directly the reverse of the principles upon which Parliament had always acted, with the exception of that blot upon our legislation, the sacramental test—English laws and Protestant and English Government were adverse to inquisitorial legislation. The Constitution recognised no power to inquire into men's thoughts on religious subjects. It was on the principle of the right to ascertain men's thoughts that the inquisition was founded, and every thing like an inquisition he was prepared to resist.

The Bishop of *London* had purposely avoided putting forth any speculative principles, intending to reserve himself on those points to a future occasion. The declaration merely went to ascertain whether the party made a profession of Christianity or not, nothing more; and he must be allowed to say, that so long as any union subsisted between the Church and the State in this country, it could hardly fail to be thought necessary that persons holding office should at least come within the denomination of Christians.

Amendment negatived. Clause agreed to. House resumed.

HOUSE OF COMMONS,

Monday, December 18, 1837.

MINUTES.] Bills. Read a first time:—Leases and Exchanges (Ireland); Tenants for Life (Ireland); Waste Lands (Ireland).—Read a second time:—Presbyterian Oaths (Ireland).—Read a third time:—Houses of Parliament.

Petitions presented. By Mr. PHILPOTTS, from Gloucester, for Vote by Ballot.—By Mr. LAMBTON, from South Shields, for Vote by Ballot.—By Lord SANDON, from Sheffield, for introducing religious instruction into any plan for National Education.—By Alderman THOMPSON, from Sunderland, against a Clause in the Fish Guard Bill.—By Lord MORPETH, from Galway, for Poor-laws to Ireland.

ELECTION RECOGNIZANCE—DUDLEY.] Mr. Pryme moved that, in accordance with a petition from Mr. William Meryweather Turner, further time be granted to complete the recognizances in the matter of the Dudley Election Petition.

Mr. Wm. Meryweather Turner, of Overbury-court, was examined at the bar, and stated in substance, that he is a barrister-at-law, and the petitioning candidate against the late return for Dudley. He gave in the name of his brother, Mr. Montague John Meryweather, as one of his securities in the recognizance. His brother had, some years ago, obtained the King's licence to assume the name of Turner in addition to that of Meryweather, under the directions of a will under which he took a beneficial interest, but he had never known him to use the name of Turner, except in some proceedings in Chancery, to which he was a party. He was generally known as Captain Meryweather, and witness said, that if he gave the name of Turner, his brother would not be known to the officers of the House. He, therefore, gave the name by which his brother was generally known, but that name was refused by the examiner, because the application was signed Montague Meryweather Turner.

Witness having withdrawn,

Mr. Pryme moved, that the time for completing the recognizances be extended to the 26th of December.

Sir *T. Fremantle* did not see how the extension of the time could cure the error for which the examiners had refused to complete the recognizance.

Mr. *Pryme* said, that the hon. Member took a very different view of this from that which his Friends at that (the Opposition) side of the House took the other evening, when a case somewhat similar came before them.

The *Chancellor of the Exchequer* thought, the object sought for would be obtained by the enlargement of the time, as then the petitioner would have time to put in the real name, which was all that was asked, and which, assuming the security to be good, he thought ought not to be refused.

Sir *R. Peel* would oppose the motion, as the legal name had not been given, which, in his opinion, was in direct opposition to the law on the subject. He thought the House would establish a bad precedent by acceding to the motion, and hon. Members could not be sufficiently guarded in deciding on matters of this nature, and it would be highly indiscreet to supersede that provision of law which had been acted upon for a series of years, by establishing a precedent likely to tend to the encouragement of fraud. It would, in his opinion, be highly satisfactory to the House to have the opinion of the chair on the subject.

The *Speaker* said, it was his opinion, although he was aware many hon. Gentlemen would differ from him, that in cases similar to the present, the rules of the House should be strictly adhered to. The rigid observance of those rules would, he thought, tend materially to insure justice.

Lord *J. Russell* said, that on Friday night there was a long debate on a case similar to the present. A person named Procter was rejected by the examiners, and he thought on good grounds, as that person had described himself as residing at South-bank, Regent's-park, and did not state that he was a tradesman in Exeter-street, Strand. On that occasion, the House granted time for the parties to amend the description. He did not think the present case one by which the House was called on to act rigidly. Several parties whose names had been altered on account of wills had continued the old signatures by which they were better known. If the intention were honest, the House ought not to be too strict. What would be thought of the conduct of the House by the public, if after having granted an equitable relaxation on the Friday night, the strict rule should be enforced on the Monday?

Sir *H. Hardinge* perfectly coincided in the opinion expressed by the right hon. Gentleman in the chair. He thought the House should take upon itself an equitable jurisdiction, but adhere to the strict rule; and, although he had voted for the indulgence on Friday night, owing to the remarks of the noble Lord, the Member for Devon, on the validity of the securities, yet, under existing circumstances, he should be prepared to vote for the rescinding of the decision the House had come to on that occasion.

Viscount *Howick* said, that if the House did not exercise its discretion, in many instances great injustice would result. It was of considerable importance that election petitions should not be invalidated by mere technical errors. Care should be taken that the law should be adhered to, and that the sureties were valid; but where an accidental error presented itself, in his opinion, the House ought to grant indulgence.

The House divided:—Ayes 123; Noes 68: Majority 55.

Pontefract Election.] Mr. *Aglionby* rose to call the attention of the House to the petition of Mr. James Coppock, relative to the recognizances in the Pontefract Election Petition. He had been asked by the petitioner to present it to the House, though, if the hon. Member for Buckingham had been present, it would have been better for him to have done so, as he was more acquainted with the circumstances of the case. It was, however, immaterial, as either way it would, he was sure, receive the same consideration. In presenting this petition to rescind the order of the House made on Friday night, he did not intend to impugn the decision of the House on that order, nor say that it was made without a proper inquiry into the case. He would now give, as he was bound both in justice to the petitioner and to himself for having taken up this matter to do, a short statement of the circumstances which had led to the present motion. A petition was presented to the House on Friday last, signed by Henry Gompertz, praying for an extension of the time to enter into the recognizances on his former petition, in consequence of one of the proposed sureties having been wrongly described, and therefore rejected by the examiners. The only witness who was called was Mr. Richard Moss, not Mr. Procter who had been rejected, and who was most cognizant of the circumstances of the case; nor Mr. Florance, who had been Parliamentary agent, nor Mr. Gompertz, the petitioner himself, but Mr. Moss alone, and on his evidence the House decided, saying they had heard enough, and thought, under the circumstances, the required relief ought to be given. He would ask the House, however, whether they did not agree with him, that it was doubtful whether Moss was Parliamentary agent to Mr. Gompertz, and if so, whether sole agent or in conjunction with Mr. Florance; and also, whether he acted for Mr. Gompertz only, or for some other person besides, who might hereafter be his client? Moss having said, he was the Parliamentary agent in this case, had weighed much with him. The present petitioner, however, had made inquiry on the subject, and had found that Moss was not a Parliamentary agent, and never had been; and that in putting in the names of the sureties in this case, it was done, not by Moss, but by Mr. Florance. At the last general election for Pontefract, there were several candidates, one of whom was Mr. Henry Gompertz, who was unsuccessful, and who had petitioned against the return of one of the sitting Members. Now the question was, whether that candidate was fairly entitled to complain of the proceedings of that election, and whether he stood *rectus in curiâ* to claim the indulgence of the House. Mr. Gompertz was a prisoner in the Queen's Bench Prison for the sum of 16,000*l.*; he never was at Pontefract, and yet he now petitioned the House as a candidate for that borough. According to the newspapers, it appeared that Mr. Gompertz was proposed by a non-elector, and seconded by a non-elector. He did not know how the evidence would turn out, but he had understood that Mr. Gompertz did not hold one vote—that he had certainly never polled more than one vote. There was another important fact connected with the case, which was, that the non-elector who had proposed Mr. Gompertz was Moss, the witness who was called before the House on Fridayl ast. After the parties who had been proposed as sureties had appeared before the examiners, and were rejected, Mr. Coppock, who acted as agent to Mr. Stanley, the sitting Member for Pontefract, found that in the office of recognizances, the names, viz., Bevan and Procter, had been entered by Mr. James Florance, of 9, Charing-cross, and not by Mr. Moss. Mr. Coppock then wrote to Mr. Florance, saying, "Your name appears in the office of recognizances as agent to the petitioner, Mr. Gompertz. You have acted as such, and yet Mr. Moss has stated himself to be the agent. It has been said that Mr. Moss is in partnership with you. Will you, therefore, inform me what Mr. Moss has to do with the matter?" Mr. Coppock received a note in answer, signed by James Florance, 9, Charing-cross, saying, "that he had no hesitation in stating that he became agent in this business at the request of Mr. Moss, who was unable to be agent himself in consequence, as he understood, of his having been a candidate at the election; that he (Mr. Coppock) was in error as to Moss's being in partnership with him; that he was sole agent, and as such had signed the notice of sureties to the petition." He would ask the House one question—whether the parties who had decided that Procter was not a proper security could not have said, "The surety is invalid from an error in the description, but we think the parties are in proper circumstances; and, although wrong as sureties, yet they are in circumstances to claim the indulgence of the House?" But for such a case, the petitioner must be a *bonâ fide* candidate—not one picked up from the Bench or from the streets. He thought this was a fraudulent state of proceeding, and one which the House would not protect. Who was the Parliamentary agent in this case? Mr. Moss did not state that he was sole agent, but said that he acted in conjunction with Mr. Florance. Yet, from what he had stated to the House on Friday, the House might have come to the conclusion that Moss was not known to him. If Moss was the Parliamentary agent in this matter, he could not account for his conduct at the bar of the House on Friday.

If he were there to-night, he would be able to answer for himself. But why should he have refused to give up the names of all the persons who had employed him? He wished also to make an observation as to the description of the proposed sureties. In one petition he had been described as a shoemaker, in another as a gentleman. He thought it rather odd that the petitions should vary. The hon. Member then begged that Mr. Coppock might be called in; and, on being examined by him,

Mr. Coppock stated that he was a solicitor, residing in Cleveland-row, Westminster; that he had acted as agent for Mr. Stanley, the sitting Member for Pontefract, since the petition had been presented against his return; that there was only one petition, which was from Henry Gompertz, who stated himself to have been a candidate; that on Saturday morning last, having heard that the time for entering into the recognizances had been enlarged, he went to the usual office, and saw that Mr. James Florance was the agent of Mr. Gompertz; that the notice of sureties was signed by him; that he then wrote to Mr. Florance on the subject, requesting to know whether Mr. Moss was concerned in the business, and received an answer from him, stating that he (Mr. Florance) was the sole agent, and had become agent at the request of Mr. Moss. Procter, when offering himself as surety for the Canterbury election petition, had described himself as a bootmaker, whereas in the Pontefract case he described himself as a gentleman.

The witness, (Mr. Coppock) withdrew.

Mr. Moss called to the bar. He stated, that he was agent for the Pontefract election petition, but that he had allowed James Florance to put in his name as agent, because Florance had superintended a portion of his business, and he (the witness) did not wish his own name to appear as agent, because he had taken a prominent part at the Pontefract election. Witness added, that Florance had no interest in the matter *pro* or *con*.

Mr. *Aglionby* (to the witness).—You, then, are the sole agent, and Florance is only the apparent agent?—Yes. Do you not consider that a fraud?—No; I was present when the sureties were put in.—Did you not state on Friday that you yourself put in the sureties?—I was present when the sureties were put in.

The letter written by Mr. Coppock to Mr. Florance, and the latter's reply, were here read; and the witness, on being again asked whether Mr. Florance had properly described himself as the agent for the Pontefract petition, answered that he (witness) was the agent: and that Mr. Florance had put in his name because he happened to transact a portion of witness's business.

Mr. *Aglionby* (to the witness).—When did you apply to Mr. Gompertz?—About a week before the Pontefract election.—Where did you apply to him?—Where he now is. Were you aware that Mr. Gompertz was in confinement for debts amounting to 16,000*l.*?—No. He never had been a candidate at the Pontefract election, though individuals had canvassed for him before he went down. He was not an elector of Pontefract, but he nominated Mr. Gompertz. Procter was one of the sureties. He had sent up his clerk to Southbank to make inquiries in regard to Procter. Was informed by his clerk that he lived at No. 9. Was not aware that Procter was one of the sureties to any other petition. Was not aware that in another petition Procter was designated a bootmaker. Had no intention of concealment in entering Procter as a gentleman.

Witness withdrew.

Sir *R. Peel* said, in one case Procter was stated to be a bootmaker, and in the other as a gentleman residing in a villa in the Regent's-park. In either case there did not appear to be anything improper; and there certainly was not a *primâ facie* case of fraud in designating Mr. Procter as a bootmaker in the Strand, where he carried on his business, and a gentleman, when he was mentioned as residing at his villa in the Regent's park. That, however, was the simple question to be decided by the House; and they had nothing whatever to do with the question whether Mr. Gompertz at the time he was a candidate was a prisoner in the Queen's Bench or not; nor had they anything to do with the questions whether or not Mr. Moss was an elector, and had a right to nominate Mr. Gompertz. The real questions to be decided were these—Was the addition a proper addition, and was the surety a proper surety? Now, he was convinced that the right hon. Gentleman in the chair would take care that the sureties were proper, and that there was no fraud practised. The House on Friday night had granted the parties an indulgence, and they were now, on a motion for rescinding the former order, called on to investigate the whole circumstances connected with the election. That in his opinion was a most dangerous course of proceeding, and he hoped the further examination would be confined solely to the question which was really under their consideration.

Mr. *Aglionby* said, if the question simply was in regard to Mr. Procter being designated as a bootmaker in the one case and a gentleman in the other, he would allow that the right hon. Baronet opposite (Sir R. Peel) was right. But that was not the whole question, and unless he was allowed to enter into other circumstances connected with the proceedings he should be unable to show whether there was any fraud intended or not. It appeared to him important to ascertain whether Mr. Gompertz, being a prisoner in the Queen's Bench, could really be a *bonâ fide* candidate or not, as he considered it highly improper that persons who could not in reality be candidates should give vexatious opposition to those who were *bonâ fide* candidates. He thought that this case was tainted with fraud, and if they were not to inquire whether fraud had been practised, then there was no question before the House to inquire about. The House had granted a certain indulgence, and it was certainly no injustice to require the parties to show that no fraud had been practised.

Mr. *C. Buller* said, when he went to dinner he had left the right hon. Baronet opposite (Sir R. Peel) arguing in favour of a strict application of the rule laid down by the House in regard to sureties, and now that he had come back from dinner he found the same right hon. Gentleman arguing for a lenient application of the rule. He did not understand this change, and the only difference he could see was, that the question i the former case related to Dudley, and the present had reference to Pontefract, and the right hon. Baronet might be more inclined to favour a Tory candidate than another. In his opinion there did appear sufficient grounds for believing this to be the case of wilful mistake for the purpose of deceiving parties, and investigation ought therefore to take place.

Sir *R. Peel* would first state in explanation, that he thought the judgment of Philip sober better than that of Philip after dinner. What he had formerly stated was, that the examination ought to be limited to the question, whether Mr. Procter's designation was stated in two different ways with a fraudulent intention. But while he had stated that, he had also stated that he did not think it was fair or proper to inquire whether Gompertz had been and was in the Queen's Bench, or whether Mr. Moss was or was not an elector of Pontefract, and had a right to nominate one of the candidates.

Lord *J. Russell* thought it right not to enter into questions relating to the character of, and the proceedings at, the election. These were not proper questions for the House to entertain. If, however, it could be proved that in the two designations there was any intention to mislead, he thought there would be a fair case for rescinding the order which had formerly been made.

Mr. *Aglionby* said, that it had been his intention to show circumstances of fraud, but he had been prevented from doing so by constant interruptions. If it was the wish of the House, he would give the matter up for a night; and as such seemed to be the desire of those in his vicinity, he would beg leave to move that the debate be adjourned till to-morrow, in order that Benbow and Procter might be brought before the House.

Question adjourned.

PENSIONS' LIST COMMITTEE.] The Order of the Day for the House resolving itself into Committee of Supply having been moved,

Sir *George Sinclair* rose to call the attention of the House to the situation in which it stood with respect to the Pensions' List Committee. Looking at the time which had been occupied, he would not say wasted, in the discussion of that evening, and seeing that the subjects which stood upon the paper were most of them of a description to lead to debate, it appeared to him not only improbable that the question of how the Committee was to be constituted could come forward at the usual hour that evening, but highly improbable, also, that it could be brought forward at a reasonable hour on any evening previous to the recess. But, however that might be, it appeared to him that it would be only fair that the House should be put in possession of the names which her Majesty's Ministers proposed to place upon the Committee one day, at least, before the discussion took place. Many persons, both in and out of the House, entertained a great jealousy as to the names to be placed upon the Committee, especially when it was remembered that one of her Majesty's Ministers had upon a former occasion declared an inquiry of this kind to be unjust and disgusting. It was anxiously desired, he believed on all sides, that the inquiry should be fair and impartial, and that it should be entered upon with as little delay as possible. Of course until the Committee was named he could not know whether the hon. Member for Southwark was to be placed upon it or not; but if he were not, he must say that the hon. Member would be treated unjustly and unfairly, because if the hon. Member had himself been permitted to bring the question forward, as he had done on many previous occasions, there could be no doubt but that he would have been a Member of the Committee. He thought, therefore, that the Committee should be named without delay, and that one day at least should be given to the House to consider whether the recommendations of the Ministry were such as would entitle the Committee to the respect and confidence of the country. If the right hon. Gentleman, the Chancellor of the Exchequer, would consent to an arrangement of that kind, he (Sir George Sinclair) would not say more upon the subject that evening; but if the question were again postponed, and no time fixed for its consideration, and if, when it were brought forward the House was to be called upon to decide at once as to the propriety of the selection made by the Government, he should then certainly feel it to be his duty to take the sense of the House upon the subject.

The *Chancellor of the Exchequer* did not know to what practical conclusion the hon. Baronet's observations tended. He had told the hon. Baronet on a former occasion, and he had also repeated it again that night, that there was no intention on the part of the Government to bring on the question, which, as they were informed, was to become the matter of a debate at a late or inconvenient hour. If it were brought forward at any period that might be inconvenient to the hon. Baronet, he (the Chancellor of the Exchequer) should be the first person to say "Let it be postponed to some future time that might be more convenient." At the same time he must observe that any inconvenience that might arise to individual and particular Members was an inconvenience for which he could not be responsible. The hon. Baronet now called upon him to give the names of the Members whom it was proposed to place upon the Committee. Now he found upon the order paper for to-morrow a notice of motion given by the hon. Member for Kilkenny, that in future the nomination of individuals to be placed upon Committees should always be given for some time precedent to the appointment of the Committee. It was not for him to say whether he considered such a course convenient or not, but at all events it was a question that was to be fairly raised to-morrow, and therefore the hon. Baronet would excuse him if he declined to enter into a discussion of it to-day. If the House should decide the motion of the hon. Member for Kilkenny in the affirmative to-morrow, he (the Chancellor of the Exchequer) should be perfectly satisfied to postpone the nomination of the Committee until Wednesday; and, in obedience to the decision of the House, to give in the names of the Gentlemen he should propose as Members of it to-morrow. He had no wish, no idea whatever, in naming the Committee, to make it other than a tribunal which should discharge, honestly and efficiently, the duty with which it was to be intrusted; and if the names ultimately suggested did not justify that declaration of his intention, it would be for the House to object to any or all of those names, and to substitute others in their place.

Mr. *Harvey* observed, that the notice of the hon. Member for Kilkenny appeared to be a perfect godsend to the Government. There was, in fact, no straw, however filthy or however small, at which they would not catch to save themselves from this inquiry. What the hon. Baronet wished to know was, whether this important motion was to be submitted to the House at a correct and appropriate time. "As regards myself," continued the hon. Gentleman, "remembering my declaration of the other evening, a declaration which subsequent reflection induces me to repeat, I relieve the right hon. Gentleman from any pressure as to placing me upon the Committee. After the treatment to which I have been exposed, I repeat, that nothing under heaven shall induce me to serve upon a

Committee appointed by the right hon. Gentleman, the Chancellor of the Exchequer; but at the same time, if the House, upon consideration, should think as I do, that the course proposed by the Government, is most censurable—if the House, echoing the opinions and sentiments of the country, shall think that I ought to be placed upon the Committee, I shall cheerfully bow to its decision. I will not describe my opinion of the conduct that has been pursued in this matter, because it is not the first time that I have been treated in a similar manner. Some years ago I brought forward a subject connected with the Woods and Forests, to which I had devoted weeks and months of my time. No sooner had I brought it to a state of maturity, when it was likely to be useful, than the Government of the day took it out of my hands, and made it a perfect abortion. Whether that is the course which it is proposed now to pursue I will not say, though past experience may suggest the apprehension of it; but this I will say, that I think the conduct of the Government towards me extremely ungenerous and unmanly.

Sir *George Sinclair:* Under these circumstances I shall certainly move as an amendment to the motion now before the House, that the order of the day for the appointment of the Pension List Committee be now read; and upon that amendment I will take the sense of the House.

The question having been put,

Mr. *Warburton* entreated the Government to state at once the names they proposed to place upon the Committee. They must have fully considered the names they intended to propose. Then why not mention them at once, and put an end to all further doubt and anxiety upon the subject? They were bound in common justice to the hon. Member for Southwark not longer to allow the question to remain in suspense, leaving his name to be bandied about by the public, as it would naturally be, as long as it remained a matter of doubt whether he were to sit upon the Committee or not. It really was not dealing fairly with an individual Member of the House to allow him to be treated in this manner.

Lord *John Russell:* I admit that the hon. Member for Southwark is placed in a situation that cannot but be disagreeable in consequence of the questions that have been raised, but that is no fault of ours. The fault, if any, is owing to others, not to us. But, at the same time, I will say, that owing as it is to other parties, I am still ready, if it be the opinion of the House that the matter has been involved in any obscurity and doubt from which it ought to be cleared—I am ready, I say, as far as the Government is concerned, to call upon my right hon. Friend, the Chancellor of the Exchequer, and to request him (a request with which I know he will not hesitate to comply) to place upon the notice-book this evening the names of the Members whom he proposes to place upon the Committee. Is that what the hon. Baronet wishes.

Sir *George Sinclair:* That will not correspond with my views upon the subject; I shall take the sense of the House upon the amendment I have moved.

Lord *John Russell:* Then I must proceed at once to state the grounds upon which we propose to act with regard to the hon. Member for Southwark. Last year the hon. Member was placed upon the Committee which sat upon the Report of the Poor-laws. The Committee found that all their proceedings were reported in the daily newspapers, generally fully reported; sometimes only in portions, consisting of extracts and selected passages; but in one shape or the other, whether at full length or only in part, the publication of their proceedings was continued from day to day. This, as the House must know, was in direct contravention of the directions placed upon all the papers delivered to Members of Committees—"that it is particularly requested that these papers may not be communicated to any other persons, being intended solely for the use of the Committee." The subject of the publication of their proceedings was brought under the notice of the Committee, and your authority, Sir, was mentioned as conclusive that no Member of the Committee ought to disregard or to commit a breach of the order attached to the papers placed in his hand. The hon. Member for Southwark, as I understand, did not deny that the publication complained of originated with him. I then thought it necessary, in order that the hon. Member might have no room for doubt, to bring forward a question in this House as to the right of Members of Committees to make publications of the proceedings that took place before them; and the resolution which I then proposed was agreed to after a division upon the question of adjournment, but without any division upon the question itself. I have that resolution now before me; it was agreed to by the House on the 21st of April last, and is in the following terms: "That, according to the undoubted privileges of this House, and for the due protection of the public interest, the evidence taken by any Select Committee of this House, and documents presented to such Committee, and which have not been reported to the House, ought not to be published by any Member of such Committee or by any other person." I had hoped that such a resolution on the part of the House would have taken away any doubt or hesitation that any Member of the Committee could have entertained as to the propriety or the right of publishing what transpired before a Select Committee prior to the Report of that Committee having been made to the House. But such was not the result. The publication continued, and the Members of the Committee were placed in the very great difficulty—a difficulty which all felt to be very great and very painful—of being either obliged to report from day to day, contrary to the opinion of a large majority of them, or to connive at a daily infringement of the orders of the House, or else to bring the proceedings before the House, to ask the House to proceed to the vindication of its own rights and privileges, and thus have produced a feeling in the public mind, that an hon. Member who took a strong part against the Poor-law Amendment Act was to be visited with punishment in consequence of his opposition to that measure. As the least of these evils we took the course of reporting from day to day the proceedings of the Committee. I am afraid, Sir, that that course must have met with your disapprobation. I know that many Members of the Committee, and many Members of the House, I believe amongst others my hon. Friend, the Chairman of the Committee, disapproved of this course—a course which was taken at my suggestion, and supported by the hon. Baronet, the Member for Buckingham (Sir Thomas Fremantle). Such was the course which we ultimately adopted; but previously to our doing so the hon. Member for Southwark opposing himself to the resolution of the House, continued his publication, and the rest of the Committee, not willing to take any strong course, allowed the resolution to remain during that time in suspense. Though armed with the resolution of the House to protect its proceedings, and though the hon. Member continued his daring defiance of that resolution, the Committee did not proceed to act upon it; but adopted the milder course, attended as it was with several inconveniences, of reporting its own proceedings from day to day. But, although in the instance of the Poor-law Committee we took the course which we thought the most expedient, yet I must say that I am not prepared again to place upon a Select Committee of this House, nominated by any Member of the Government, an hon. Member who defied the resolution of the House—who stated that he would be guided solely by his own opinion, contrary to the decision of this House, and between whom and the House, if he were again placed upon a Select Committee, a question must arise—one of the questions which are the most injurious to the reputation of the House—namely, a question in which the dissentient Member is made apparently a martyr to the resolutions and proceedings of this House in the vindication of its own privileges. We have known in former days how much popular excitement has been caused by sending the Members of Committees to places of confinement; and we all know that some Members of the House have owed much of their popular reputation to that very resistance to the orders and privileges of the House, of which the hon. Member for Southwark gave an instance upon the Poor-law Committee. I think, then, that the safest course—much as it may be disapproved of—much as it may be made the subject of popular misrepresentation—I still think that the safest course for us to pursue will be to name as fair and just a Committee as we can, but not to place upon it the name of the hon. Member for Southwark. If the House chooses to say "Let our privileges be in abeyance, let all our orders be disobeyed —any Member who pleases shall have his own will and pleasure upon Committees, uncontradicted by the House"—if the House choose to say so, let it be so, but let it not come from us, let it not be said that it was the Government who proposed to invade and trample upon the privileges of the House. I should be forgetful of the privileges of the House, and unmindful of those serious difficulties in which we were involved in the last Session, and which I am sure no Gentleman who sat upon the Poor-law Committee can ever forget, if I were to propose the nomination of the hon. Member for Southwark upon another Select Committee. I will only in conclusion add, that should the Civil List Act be proceeded with to-night, my right hon. Friend will be ready to give notice of the names he proposes to place upon the Committee.

Mr. *Hall* regretted that the hon. and learned Gentleman, the Member for Southwark was not to be on the Committee—he having devoted considerable time and labour to the investigation of the pension list, and that in opposition to the different Governments of the day. This subject had now been brought forward for five or six years, and those who were the most deeply interested in it would not consider that full justice was intended to be done if the name of the hon. and learned Member for Southwark were omitted. There were two parties interested in the question—the public and the pensioners. Among the latter was a nobleman, a relative of whom had told him that the wish of that noble Lord was to have the subject fully and fairly investigated, and that he should not consider the subject satisfactorily inquired into unless the hon. and learned Member for Southwark were on the Committee. He was quite sure that if that hon. and learned Gentleman were not nominated the object of his right hon. Friend, the Chancellor of the Exchequer would at once be defeated. In taking the appointment of the Committee out of the hands of the hon. and learned Member; his right hon. Friend stated that he was anxious to take the whole responsibility of it upon himself. He thought it was desirable that the Government should stand in that responsible situation; but he also was of opinion that at the time his right hon. Friend took upon himself that responsibility, he ought to have stated that it was not the intention of the Government to place the name of the hon. and learned Member on the list. Certain documents having appeared in a public print, he felt justified in adverting to them. They consisted of a letter addressed by the Chancellor of the Exchequer to the hon. and learned Member for Southwark, and of that hon. and learned Member's reply. He should say that the statement made by his right hon. Friend had been answered in a manner in which he should conceive every hon. Gentleman would have answered it. If any proposition had been made to him to be on the Committee, but in order to be so it must be a *sine qua non* that he should forego any right or privilege which he believed that, as a Member of Parliament, he possessed, he would not have consented to be on that Committee. He used the words "right or privilege," because it was a fact that what the hon. and learned Member for Southwark had on a former occasion done had received the approbation and sanction of the House of Commons. He did not mean to say that the course pursued by the hon. and learned Member on the occasion alluded to was that course which he himself should have adopted, still it was a course which was, he repeated, afterwards sanctioned by the House itself. All that the hon. and learned Gentleman did was to publish the evidence taken before the Poor-law Committee, of which he was a Member, from day to day. He would ask, was there anything which could prevent that hon. and learned Gentleman pursuing the same course with respect to the present Committee, whether he was a Member of it or not? Whether a Member or no Member, he would have the same means of information, unless, indeed, it was intended to make it a secret Committee. He would have equal access to the Committee-room; and what power did the House possess by which to prevent him from making public that which he there heard? But this was a point of very minor consideration. The main question was, whether the House would give finality to the inquiry into the pension list. If any question ought to be final—considered with a view of satisfying the public—it was this question, which involved the ascertaining of facts as they really were, but which as they were supposed to be at present, and without inquiry, were odious in the eyes of the public. But no satisfactory inquiry could take place, not only unless the fullest investigation were allowed but unless also the hon. and learned Member, whose name was associated in the minds of the people with the subject of the pension list, and whose determination to enter into every abuse, and capability to direct such an investigation, were included in the Committee. He believed it was the invariable practice of Parliament, when any person had so devoted his time and talent to the consideration of a subject as to lead to the appointment of a Committee, that such person should be placed on the Committee. This was a practice not merely founded in courtesy, but was also grounded upon wisdom. It was grounded upon wisdom, because it was natural to conclude that any person possessing the information which the devotion of time and attention to any subject must acquire, would be able to afford very essential assistance to the Committee. If ever there was an instance where this rule of the House should be departed from, he thought this was the very last in which it should be so. It would be perfectly useless—he might almost say faithless, if the name of the hon. and learned Gentleman were not placed on this Committee : if, therefore, it was the hon. Baronet's intention to move that this question should take precedence of the other orders of the day, he should give the hon. Baronet his support.

The *Chancellor of the Exchequer* said : I have a choice between two difficulties—one is the interruption of the progress of the Civil List Bill, by the motion introduced by the hon. Member for Caithness to suspend the third reading of the Bill, when undoubtedly at the present period of the year it could not be suspended but at very considerable inconvenience. If, indeed, we were now on the motion for the third reading of that Bill there might be some reason for taking this question of pensions first, but my hon. Friend the Member for the city of London has given a notice on the third reading of the Civil list Bill which will give rise to a debate ; therefore, to postpone that third reading beyond to-morrow night may amount to an undefined and inconvenient postponement. I have said that I am perfectly ready to abide the pleasure of the House upon the decision of to-morrow night. Nobody can expect that this Committee should sit before the holidays. If the house should decide that the names to be proposed should be printed before voted upon, I should be perfectly ready to give in the names. Nay, I should be perfectly ready to give in those names to-night I understood from Gentlemen on all sides that what they were desirous of was, the being in the possession of the names twenty-four hours before the Committee was appointed. That certainly was the suggestion. Gentlemen may change their minds now, but the request I had to encounter originally was, that the House ought to know the names beforehand. But I have no difficulty in saying that I am ready to give the names now, and let us have the discussion. I wish to know in the outset what hon. Gentlemen would have. I understand they wish to have notice of the names on the one hand and to have a discussion on the other. These two propositions are by no means the same ; but if it be the pleasure of the House to come to a discussion now, and to throw overboard the question of giving information as to the names, if that be the case, unquestionably I shall lose more time with respect to the Civil List Act by a fruitless discussion now, than by proceeding at once to that which the House desires ; therefore I have no objection to the order of the day for appointing the Committee being read but do not let it be said that I have taken hon. Gentlemen by surprise

The motion for a Committee of Supply was withdrawn, and the Order of the Day for nominating the Committee on Pensions was agreed to.

The *Chancellor of the Exchequer* then said : Now that the order of the day has been read I will proceed to the duty of naming the Committee. I hope that the gentlemen who cheer are not among the Gentlemen that are prepared to support the hon. Member for Kilkenny to-morrow ; because if that motion, namely that every Member intending to propose the names of Members to serve in a select Committee shall, on the day next before such nomination of Members, place among the notices for the day the names of the Members intended to be proposed as Members of the said Committee— if, I say, that motion be founded in reason, there would be nothing so unjust as for me to be compelled to take the House now by surprise, when I have proposed to give the House full information of the names, that they may be compared to those of a former Committee, in order that hon. Members might ascertain whether they were the names that ought to be put on this Committee or not. The notice given by the hon. Member for Caithness (Sir George Sinclair) embraced two objects—one the inserting the name of the hon.

and learned Gentleman, the Member for Southwark, and the other the insertion of a majority of names on the Committee of Gentlemen who had in former times voted for an inquiry into the pension list. I shall divide my observations in respect to these two propositions. Upon the second proposition I am happy to announce, that the majority of the names on the proposed Committee consists of Gentlemen who voted against the Government on former occasions, and in favour of inquiry. So far the object of the hon. Baronet is answered, and as far as that goes every pledge is given of the sincerity of the Crown in carrying on the inquiry. With respect to the second, or rather the other object, from the statement of my noble Friend, it will be anticipated by the House that the answer must be of a contrary description. It will be for the House to determine whether that answer is or is not founded on just grounds. Sir, I shall appeal upon this subject to the good feeling of all the Members of the House, be their party what they may. I will not attribute to Gentlemen opposite who oppose this inquiry any intention that could be so disingenuous as to endeavour to make this inquiry in its progress odious, distasteful, and hateful to the best feelings of the great mass of the community, by supporting a proposition that could tend to deprive the country of any advantage that otherwise might accrue from this inquiry. I should be very reluctant indeed to have it imagined, that I could consider the insertion of the name of any hon. Gentleman on this Committee could have any such tendency. On the contrary, from the observations I am about, nay, am called upon, to make, from what has fallen from my hon. Friend, the Member for Marylebone (Mr. Hall), it will be shown that I have no such personal objection whatsoever. On the contrary, I say, boldly and unreservedly, it was my desire, my anxious desire, that the hon. and learned Member for Southwark should be a Member of this Committee; and I feel, as my hon. Friend has stated, that unquestionably one who has paid attention to the subject as he has done, and brought the subject under the attention of Parliament is a person whose name must naturally suggest itself as one to be proposed for this inquiry; and any opposition to the name of such a person would be the very circumstance which would deprive the inquiry and the recommendation of the Committee of their force and weight. But, Sir, what are the regulations of this House, and what are the orders of the House? In the first place, any individual moving to appoint a Committee is required to communicate with the individuals whose names he wishes to suggest to the House. It was consequently my duty to communicate with the Members whose names I wished to propose. It occurred to me that the best course I could adopt was to select the identical Committee which had already sat upon the civil list. The hon. and learned Gentleman (Mr. Harvey) having originally proposed to refer, by way of instruction to that Committee, this very subject of the pension list, it certainly did appear to me, that the most obvious course for me to take would be the re-appointment of that Committee. I accordingly communicated with the Gentlemen who served on that Committee. On the part of several hon. Gentlemen sitting opposite, I found objections to become Members of the proposed Committee. They said they objected to it upon principle. I was then driven to appoint a new Committee. One of the first names which occurred to me was the name of the hon. and learned Gentleman (Mr. Harvey), and I took the liberty of addressing to him a letter, which I will now read to the House:—

"Mr. Spring Rice presents his compliments to Mr. Harvey, and is led to trouble him with the present communication, in consequence of the motion for appointing a Committee on pensions, which Mr. Spring Rice intends to bring on.

"From the interest which Mr. Harvey has taken in this subject, and the attention which he has paid to it, Mr. Harvey's name would naturally occur to any person selecting the Members of that Committee. But Mr. Spring Rice trusts Mr. Harvey will excuse him if, before he makes such a proposition to the House, he solicits information from Mr. Harvey on a question most essential to the future proceedings of that Committee, if it shall be named by the House.

"In the Committee on the Poor-laws, appointed last Session, Mr. Harvey communicated to the public, from day to day, the evidence and the proceedings of the Committee, even before they were reported to the House. Mr. Spring Rice does not raise the question, whether such a course was, in that instance, Parliamentary or convenient; but it is evident that where the private affairs, character, and service of individuals may be made matters of deliberation and inquiry, that publication of such evidence in any way but in the authentic form of a Report, and of communication to the House itself, would be unjust and inconvenient.

"Mr. Spring Rice fully anticipates that Mr. Harvey will concur in these opinions, from his observations respecting the duty of such a Committee, and the mode and spirit in which its inquiries should be directed. But, to avoid any difference of opinion or mistake hereafter, Mr. Spring Rice will be much indebted to Mr. Harvey if he will do him the favour of letting him know whether, if appointed a Member of the Committee, he adopts, and will assist the Committee in adhering to the principles laid down in this note.

"Downing-street, Thursday evening."

I put it to the House, whether there is any word in this note that betokens any want of courtesy or respect to the hon. and learned Gentleman? I put it to any Gentleman on either side of the House, whether if he had received this note from me, he would have considered that it indicated either a want of courtesy or of respect on my part? On the contrary, it will be seen that I endeavoured anxiously to save paining any self-love or affection for bygone opinions which the hon. and learned Gentleman might have entertained. I said, I did not raise the question, whether the course which had been adopted by the hon. and learned Gentleman was Parliamentary or convenient; but I said to the hon. and learned Gentleman that in the peculiarity of this case, and in the particular circumstances under which the Committee is moved for, and under the declarations which the House itself had made in reference to proceedings of Committees, you can have no hesitation in giving me the assurance which I have taken the liberty of asking. And what was that assurance? Let this be distinctly understood, for I know it has been said out of doors, that it was presumption on my part to ask any hon. Member for such an assurance. What, then, did I ask? Why, I asked additional security that the orders of the House of Commons should be strictly adhered to. I did not seek anything from the hon. and learned Gentleman than that which I might enforce either in the House or in Committee. If I undertook the responsibility of suggesting the names of this Committee, I was bound also to take upon me the accompanying responsibility of seeing that the orders of the House should be carried into full and effectual operation. I will now read the answer of the hon. and learned Gentleman, just premising that when he said that this was an inquiry of a particular character, and one that ought to be carried on with faithfulness, as well to the parties interested as to the public, I really did think that there could not be a doubt as to the answer the hon. and learned Gentleman would give. But now, you who are about to vote upon it, will you do me the favour of listening to the answer I have received, remembering that the request I asked was only that, in the event of his being appointed a Member of the Committee, he would adhere to the resolution unanimously adopted by the House. This was the answer:—

"Strand, Friday Morning.

"Sir—Regarding, as I do, the right of publishing the proceedings before Parliamentary Committees to be of the greatest public importance, I cannot consent to place its exercise in abeyance, as the condition of being placed upon a Committee. I readily acknowledge that circumstances may arise which would render such publication not only undesirable, but extremely unjust towards individuals; but I must claim the unfettered exercise of my own judgment in all cases; and which, I may be allowed to remark, is not likely, I trust, to be in a direction less just or considerate than that of persons equally disinterested as myself.

"D. W. Harvey."

Now, let me bring the House to a consideration of this letter, when compared to their own resolution. The resolution that was entered into on the 26th of April was this:—

"That according to the undoubted privileges of this House, and from the due protection of the public interest, the evidence taken by any Select Committee of this House, and the documents presented to such Committee, and which have not been reported to the House, ought not to be published by any Member of such Committee, or by any other person."

Here is your resolution, which says that a certain thing ought not to be done; and here is an hon. Member of the House who declares, and who claims it as right and privilege to do that thing. I have to ask, that this may be decided between the House and the assumed privilege of a Member. Let the House step in. I have no favour to solicit. I am told, indeed, of the majority on the other side of the House. I care not. I say, here is a Gentleman avowing his intention to violate the rules of the House. The hon. and learned Gentleman claims as a right and privilege that which the House has decided to be a breach of privilege. If I am guilty in giving a preference to the orders of the House over the laim of the hon. and learned Gentlemen, let the House so decide. If the House prefer his letter to my letter—his opinions to mine—be it so. It is not a question between him and me. Do not let the House think it is. It is a question between their own resolution and a single Member of Parliament, who rising in his place says, I claim that as a privilege which you (the House) say is not a privilege. But I wish, again, to tell the House, that if the hon. Gentleman will, at the present moment, get up and say that he will abide by the orders of the House, I have no kind of objection, on the contrary, I am bound to move myself the insertion of his name. Let every Gentleman, who is about to vote, take that as his guide. If you are resolved to abide by your resolution, then enforce it. If the hon. and learned Gentleman will abide by the resolution, I will myself insert his name. If he refuse, why, although I know of no such question having arisen before, yet I think the House of Commons will not consent to place a Member on a Committee who refuses to declare his determination to abide by the resolutions of the House. Where, I ask, will this end, if the practice once begins? It will not be limited to Committees, but will run through the whole of your proceedings. Does the hon. Member for Bridport mean to make waste paper of all the orders of this House? He may entertain some high and fanciful notions as to introducing new regulations for our proceedings, but that one single Member is to set aside all the most solemn and recorded decisions of the House of Commons can hardly be within even that hon. Gentleman's contemplation. I repeat, that I am ready to name Mr. Harvey, if he will pledge himself to abide by the decision of the House, but if the House, without such a pledge, should place the hon. and learned Gentleman on the Committee, the responsibility will rest with them, and not with me, whatsoever may be the consequences. I have argued this question on general principles. If it were a Committee upon the combination laws, or upon the state of the factories, or of the London Docks, the principles I have laid down are right, and those which it behoves the House to act upon; because it behoves them to enforce their own regulations. But I beg to say one word with respect to the peculiarity of this inquiry. I will not be induced by any taunts of the hon. Gentlemen opposite with respect to the course I have now taken, as compared with the course I have previously taken, to go one point beyond the single subject-matter now under discussion. But every Gentleman, whether he argue in favour of inquiry, or against inquiry, must be aware, and I cannot appeal to an authority whose words were more strong or more powerful on this point than those of the hon. and learned Gentleman himself—that this inquiry is of a peculiar character; that it may involve private character, private fortune, service rendered, and all manner of disclosures—disclosures, however, that I hold to be necessary under the exigency of the present case. [*Hear, hear.*] I give the hon. and learned Gentleman, the Member for Oxford (Mr. Maclean) full credit for that cheer. I ask him, are there not circumstances that may be inquired into of the character which I have described? Then what becomes of his cheer? It does not tell against my argument, but, on the contrary, supports it. Then, I put it, if the proceedings of this Committee, before they report, are made known through the daily journals, if a charge is brought against an individual of having received a pension unjustly, and under circumstances which would not justify its continuance, if such evidence as this were made known to the world on Monday, and were to remain without contradiction until Saturday, are you prepared—above all, are you who oppose all inquiry prepared to inflict upon that individual this additional pain of publicity, to the pain which an uncontradicted rumour, an unfounded charge, perhaps, may bring upon him? I say it is not just. If such a publication were right with respect to every other description of inquiry, it would not be right with respect to one of this peculiar character. While I am desirous of giving full and entire effect to the intention of the House of Commons, by obtaining the fullest investigation of all facts connected with the pension list, I am equally desirous, and the House ought to be equally determined, to prevent such an investigation being made the means of harassing and disturbing the private peace and happiness of individuals; and I am resolved, as far as I can go, that the Committee shall not be used for any such purpose. It is on these grounds—first looing generally to the law and regulations of Parliament, and next looking at the particular case which is before me—that without obtaining the pledge of the hon. and learned Gentleman, I do not feel warranted in putting his name upon the Committee. Let him give that pledge now, and I shall be ready to vote for him. Or let him say he will not give that pledge, and then vote for him if you will; I cannot. This is the alternative. Let him say that he considers he was called upon by my letter in too categorical a manner, and that it required him to condemn himself, but that now he is ready to adhere to the decisions of this House. The hon. and learned Gentleman says himself, in his answer to my letter, that "circumstances may arise which would render such a publication inexpedient and unjust to individuals, but he reserves to himself the full power of exercising his own judgment in all cases." Now, I do not wish to leave to the hon. and learned Gentleman the power to comment upon the orders of the House of Commons. All I ask is, that he will engage to adhere to them. If you are disposed to depart from those rules, then strike them out of your journals. If you approve of them, give me your support and authority to ask for an engagement that they will be observed by those whose names I propose for a Committee. I shall now take the liberty to read the names, which, of course, do not include the name of the hon. and learned Gentleman. They are, Lord John Russell, Mr. Grote (who voted for a previous inquiry), Mr. Bannerman (who voted for a previous inquiry), Mr. Plumptre (who voted for a previous inquiry), Mr. Hume (who voted for a previous inquiry), Mr. Sanford, Mr. Hawes (who voted for a previous inquiry), Mr. Alderman Copeland, Mr. William Evans (who was not then in Parliament), Mr. Pendarves (who voted for a previous inquiry), Sir Eardley Wilmot, Mr. Handley (who voted for a previous inquiry), Lord Ebrington, Mr. Rickford (who voted for a previous inquiry), Mr. Strutt, Mr. Macleod, Mr. Goddard, Mr. Philpotts, Mr. George Evans, Mr. Villiers Steuart (all of whom voted for a previous inquiry), and, if the House choose to nominate me, myself. The majority of the Gentlemen, therefore, whom I have named, voted on former occasions for inquiry, and against the then Government, and it cannot be said that I have not fairly adopted a material part of one of the suggestions which have been made. The right hon. Gentleman concluded by moving, that the Committee consist of twenty-one Members.

Mr. *Hume*, before the proposed names were read from the Chair, wished to remark, that as the full number of twenty-one was proposed, the House could not, consistently with its standing order, add the name of the hon. Member for Southwark without proceeding to the invidious task of rejecting one of the names mentioned by the right hon. Gentleman, the Chancellor of the Exchequer.

The *Chancellor of the Exchequer* observed, that it was open to any hon. Member to move that the Committee should be increased beyond the usual number.

Sir *G. Sinclair* said, that the arguments which had been used for the exclusion of the hon. Gentleman appeared to him very like those which would be urged if it were the desire of the Government that there should be no inquiry at all. After listening with the utmost attention to the speeches of the right hon. Gentleman, and the Member for Southwark, he must say, that in his estimation, that hon. Member was perfectly justified in not giving the assurance required. Without taking into consideration the question, as to what was the law of Parliament upon this subject, he would simply say, that the moment the hon. Member for Southwark infringed that law, the House should visit him with its censure. Let it be stated by the Chairman of the Committee that the hon. and learned Gentleman was infringing any resolution of the House or decision of the Committee, and such conduct would meet with condign punishment. It was really a very hard case, that such a stipulation as that which was demanded by the right hon. Gentleman, the Chancellor of the Exchequer, should be required from the hon. Member, and yet asked of no other Member of that House. The hon. and learned Gentleman owed it to himself and to his character as a Member of Parliament not to accept of any appointment by the right hon. Gentleman to any other Committee, if this appointment were refused. There were circumstances with which the hon. Member for Southwark had been previously concerned, which must make it peculiarly painful to his feelings to be thus excluded in the present instance. He alluded thus slightly to those circumstances, merely for the purpose of showing the House that it was the more incumbent on them to protect the hon. Member under existing circumstances. Without the name and assistance of that hon. Member, the Committee might as well not sit at all. It was worthy of observation that the hon. and learned Gentleman had not been appointed a member of the Civil List Committee either. He had only to say, with regard to the names of the Gentlemen whom the Chancellor of the Exchequer proposed to form the Committee at present under consideration, that as far as he was able to form an opinion, the Committee was a very fair one; but that if the name of the hon. Member for Southwark did not appear on that Committee, the public at large would never be satisfied. He did not wish to detain the House, but in this matter he thought he had been left without any other alternative, and he would, therefore, conclude by moving that the Committee should consist of twenty-two, the name of Mr. Harvey being added.

Mr. *Maclean* seconded the motion. The arguments used by the Chancellor of the Exchequer were such that, if they were acceded to, they would stamp upon that House a character unpleasant to possess, and most difficult to efface. The same might also be said of those of the noble Lord, the Secretary for the Home Department. The argument of the noble Lord was, that on former occasions the hon. Member for Southwark had transgressed the rules of the House; and the confession of the noble Lord which followed that argument gave him considerable pain, because in it the noble Lord admitted that, sooner than bring the hon. Member for Southwark to the bar of the House for a violation of its privilege, the Committee alluded to permitted him to carry his point—that is, give publicity to its proceedings from day to day. The noble Lord had excused that course by saying, that a reference to history would show that many men had made the reputation of martyrs by prosecution for resistance to the privileges of that House; but what need was there to fear such a result in the case of the hon. Member for Southwark? If such a consummation were undesirable, why did not the right hon. the Chancellor of the Exchequer come down, and ask the House to rescind the resolution which stood in the way of the hon. Member's appointment to the Committee? Why, in short, did he exclude him from the Committee at all? The House had no need of a guardian: it was able to protect its own privileges. But what was to be said of the noble Lord who had first obtained a resolution of the House and then shrunk from enforcing it, while it was apparent to every one that the arguments of the right hon. the Chancellor of the Exchequer were far more favourable to the hon. Member for Southwark's cause than they were to that he sought to defend? The right hon. Gentleman wished to strike a bargain with the hon. Member; but the hon. Member was perfectly right in refusing to make it with him. It was perfectly consistent with the course he had always taken on the subject. If the hon. Member violated the privileges of the House, the House had the remedy in its own hands. So much for the general ground of opposition to the hon. Member. But the right hon. the Chancellor of the Exchequer had put it on a particular ground also; for he had urged the pain that would be inflicted and the injustice done an individual by the publication of an *ex parte* uncontradicted report for a week. But would it not have a much better effect if the right hon. Gentleman, instead of appealing in that manner to the feelings of the House, had called on it to enforce its own resolution, and to take care that neither the hon. Member for Southwark, nor any other hon. Member, should commit any such injury? But independent of that plea—and a strong one it was, he would admit—whatever might be the issue of the inquiry about to be entered on, he (Mr. Maclean) was fully convinced that it would not give the public satisfaction so long as the hon. Member for Southwark was excluded from the Committee, inasmuch as it was he who had virtually and really originated it. As one of those who opposed the motion for an inquiry on the subject—as one of those (and they were many) who believed the speeches of the right hon. Baronet, the Member for Stamford, and the noble Lord, the Member for North Lancashire, on that occasion, unanswerable—he felt called on to say, that if the name of the hon. Member were not amongst those who formed the Committee, the whole matter would be but a mockery of Parliament. It would, moreover, be an admission of its impotence to punish a transgressor of its rules or an infractor of its privileges; and make itself a subject of laughter for every one.

Viscount *Ebrington* agreed in the opinion that for the sake of information the name of the hon. Member for Southwark ought to be added, but whilst he agreed in this opinion, he must, at the same time, say, that he thought that the right hon. Gentleman, the Chancellor of the Exchequer, had afforded to the House the fullest justification for not putting the hon. and learned Member on the Committee. The hon. and learned Member for Oxford, and other hon. Gentlemen had said, put the learned Gentleman upon the Committee, and then if he violate any privilege, give to him the most condign punishment; but what would have been said if his right hon. Friend had pursued such a course? Would it not have been urged, "You put me upon the Committee knowing my opinions, knowing that I retained those opinions, and with an experience of how I should act, and you have not acted fairly by now taking exception to the consequences of my opinions?" Would it not have been said that the Government had acted with treachery by putting the hon. and learned Gentleman on the Committee, and thus inducing him to commit the offence which it knew well he would commit, and by then bringing him to the bar. Would not such a course have been considered most mean, and would there not have been the strongest grounds for complaint. They had been told, that the House had a high duty to discharge to itself; but it had also a duty to perform to individuals. He had voted for an inquiry, which he intended to be most full and searching; but at the same time he was anxious that no unnecessary aggravation should be given to the pain inflicted on individuals, and that no unnecessary disclosures should take place; and he thought that the publication of *ex parte* statements day by day, before the parties had an opportunity of explaining the circumstances, would have the effect of conveying to the public the falsest impressions. He had no wish to speak disrespectfully of the hon. Member for Southwark; he had no right to impeach his discretion in that or any other case; but, after the course which that hon. Gentleman had taken in the Committee on the Poor-law, he, for one, could not consent to his being appointed a Member of this Committee, to publish day by day *ex parte* proceedings. On these grounds he should vote for the proposition of his right hon. Friend, that the number of the Committee should be limited to twenty-one.

Lord *Castlereagh* would never give a factious vote in that House, and he was least of all disposed to do so on the present occasion. The House had consented to the inquiry into the pension list, and to that inquiry the hon. and learned Member for Southwark could bring more information than almost any other Member, and he (Lord Castlereagh) could not understand on what grounds it was that the noble Lord refused to admit his name. He saw no objection to the fullest inquiry into all the pensions. He feared no ill consequences from the most ample investigation, and he had opposed the original motion only from a principle of justice, that the House ought not to rip up old stories. Was it the searching eye of the hon. and learned Member that the Government feared—did they dread his influence? He (Lord Castlereagh) would ask them to let the public have the benefit of the powerful, and searching, and acute mind of the hon. and learned Member, and he for one thought that the hon. Gentleman would do as much credit to the Committee, and bring as large a supply of facts before them, as any hon. Gentleman whom he saw on the benches opposite.

Mr. *Warburton* said, that if hon. Members acted on the principle laid down by the right hon. Gentleman, the Chancellor of the Exchequer, it would amount to a general proscription of the hon. and learned Member, not from that Committee alone, but from every Select Committee. Any hon. Member might ask the same question as to any other inquiry which any hon. Gentleman might institute, or the House might approve. It might be asked, "Do you intend, if you are placed on the Committee, to use the means which this may afford you, of publishing the proceedings in a newspaper." And the same answer being given as in this case, the hon. and learned Gentleman would, as a matter of course, be excluded. Without meaning to cast any reflection on the Government, he certainly thought that the course which had been pursued was precisely the course which he should have himself taken if he had wished entirely to exclude the hon. Gentleman from the Committee. Its inevitable effect was to exclude the hon. Gentleman from the Committee, saving at the same time the appearance of doing so, by giving him an opportunity of rejecting the opinions which he was known to entertain. He thought that the hon. and learned Member was, as a man of honour, bound to give the answer which he had done. He had been asked by the right hon. Gentleman, whether he would not obey the order of the House, and whether he would appoint on a Committee, as in this case, an hon. Member who declared that he would not regard them. Now he had never known the House run a race with the newspapers relative to the publication of its proceedings, in which it had not been beaten." [*Hear, hear.*] He should like the hon. Member who cried "Hear," to point out any period where the House was a gainer in such a contest. Why, the publication of their debates, and of any portion of their proceedings, was an infringement of the orders of the House, committed every day; and he justified the publication and the infringement, because they admitted more light on their proceedings. He had never known any good arise from any secret proceeding of that House. He had never known anything pass even in what was called a secret Committee which might not have been proclaimed without injury at Charing-cross. He recollected perfectly well, that on one occasion, when a debate took place in that House with closed doors, his hon. Friend, the Member for Kilkenny and himself, made the best report which they could; it appeared in the newspapers on the following morning; his hon. Friend and himself had been called to account; they had confessed themselves the reporters; and, on the same principle, that they now asked the hon. and learned Member, "Will you agree not to publish the evidence before a Committee?" The House ought to have punished him (Mr. Warburton) for publishing the debate, and they might have excluded his hon. Friend and himself from the House, unless they would promise not again to infringe the standing order against publishing a debate which took place with closed doors, and furnishing it to the newspapers. The hon. and learned Member was willing to abide by the consequences of any infringement which he might make, just as the gentlemen, then in the gallery, were willing to abide by the consequences of their transgression, and just as the hon. Member for Kilkenny and himself were willing to abide by their acts. He could look upon the present proceeding only in the light of an ide and foolish attempt to shut out the day light. It was well known that the debaes were published every day; and he had never seen any ill effects resulting from it. He looked upon the proposal to exclude his hon. and learned Friend from the Committee as unjust to the public. His appointment was what the public had a right to expect. He could not see any mischief which could arise from his nomination, and his exclusion would give great dissatisfaction to the public, who would think that they were not fairly dealt with.

Sir *Robert Peel* would shortly state the grounds on which he should give his vote upon the present question. He need not repeat what he had before stated, that he entirely dissented from the course taken by her Majesty's Government in consenting to the nomination of this Committee; he still thought that the inquiry was most unjust, and that if it had been entered upon at all—if the responsible advisers of the Crown at the termination of the arrangements theretofore existing, caused by the demise of his late Majesty, had advised an inquiry—it ought to have been undertaken by the Crown itself, for he was convinced that the Government ought to take all the responsibility devolving upon them. It would have been infinitely better that the Government should have performed this duty, if duty they conceived it to be; but if, as the noble Lord had stated at the beginning of the Session, the responsible advisers of the Crown were not disposed to originate an inquiry, he did think that it was their duty to have resisted it. Either of these courses would have been infinitely better for the dignity and prerogative of the Crown; and even if they had not been able to have offered an effectual resistance to inquiry by a Committee, he thought that they ought to have allowed it to have been the act of the House of Commons itself; and that it ought not to have been adopted by that House on the advice of her Majesty's Ministers. He entertained such strong objections upon principle to the course which had been adopted, that he had himself declined to act upon the Committee; and though on other occasions, even after he had entertained doubts upon the propriety of the appointment of any Committee, if the sense of the House appeared to be in favour of it, and if a mere matter of policy were involved in the inquiry, he had never declined to serve; but where, as in this case, a point of justice intervened, he had felt it imperative upon him to decline taking any part in the labours of the Committee. He had declined in his own case to take upon himself any responsibility in this matter, and the question now was, whether he should transfer this responsibility by suggesting the nomination of any other Members of the Committee—whether he should vote for the insertion of any other hon. Member's name. This was a question on which he should be very much inclined, if he thought it consistent with his character of a Representative to adopt such a course, not to give a vote; but he held that such was a most shabby proceeding; and there were but few cases which justified a retirement from the House without voting. He could not reconcile it with his duty to evade the responsibility of saying aye or no to the present question; and he declared, without hesitation, that he should vote against the amendment moved by his hon. Friend, the Member for Caithness (Sir George Sinclair). He would place on no other Member the responsibility which he had himself declined—he would suggest the name of no hon. Member to be a party to any act of that Committee. He found, that of the twenty-one suggested Members, fifteen were from that (the Ministerial) side of the House, and only six from amongst his friends. Of this, he made no complaint—he cared not for the proportion of Members from one side or the other; but he adopted the broad principle of avoiding the suggestion of any name. He did not attach so much weight as some hon. Members seemed to do to the reason assigned by the right hon. Gentleman, the Chancellor of the Exchequer, for his refusal to insert the hon. Gentleman's name, because he misunderstood the privileges of the House; but there was another reason, which would induce him to oppose the insertion of the hon. Gentleman's name. When he (Sir Robert Peel) considered the nature of the inquiries which must take place before the present Committee, when he recollected the course which the hon. Gentleman had taken in the Poor-law Committee—when he understood that he intended to pursue the same course—when he refused to be bound by the usual regulations of that House—when he declared his intention of altering the object of a Select Committee—when he asserted his right to select any cases which he might deem proper, to choose a particular newspaper, and to place day by day before the public the state of the inquiry, before an explanation could be given, he (Sir Robert Peel) did think that there were other grounds besides those which had been stated by the right hon. Gentleman why the name of the hon. and learned Member ought not to be added to the Committee. The hon. Member for Marylebone had, indeed, stated, that the House could not prevent the evasion by the hon. and learned Member for Southwark of his non-appointment on the Committee, for that every Member of the House had a right to attend, though not to vote, on every Committee which the House might appoint. But it was said, that the hon. Member might be present, and could publish the proceedings. The hon. Member might do so possibly, and there would be a difficulty in preventing it; but, then, there was a difference between tolerating what they could not prevent, and being a party to the sanction of that act which the House disapproved of. Hence, what he was to look for was the best manner of administering impartial justice, and enforcing the regulations of that House; and if he failed in accomplishing these objects, he should at least have the satisfaction of knowing, that he had endeavoured to do his best. Hence the proposition was, that he should be the party to the nomination of a Gentleman who claimed to himself the privilege of violating the rules of the House, and if, after such a declaration from that Gentleman, he was a party to that nomination, then his position would be very different from what it would when he took away from the same Gentleman the chance of doing that which he believed to be unjust and contrary to the regulations of the House. The hon. Gentleman, the Member for Southwark, he was sure, would acquit him of any intention of saying anything disrespectful towards him: it was really very painful for him to have to express his opinion upon this point; but, as the proposition was forced on him, he told the hon. Gentleman fairly, that he must refuse to concur in his appointment upon such a Committee;

and simply for this reason, that he had heard him express opinions with respect to the principles upon which such an inquiry ought to be conducted; he had heard that hon. Gentleman throw such suspicions upon the motives which influenced the grants in these cases, he had heard him indulge in such sarcasms upon the persons to whom these pensions were paid, that it was actually impossible for him in any manner to incur the responsibility of his appointment upon any such Committee. He said, too, most distinctly, that he should feel bound to oppose the proposition of the hon. Gentleman being placed upon the Committee. He said so particularly after the two speeches which, in the course of the present Session, he had heard that hon. Gentleman deliver with respect to the pension list. And when he considered, that females of high birth and great amiability were liable to be brought before that Committee, he could not, after the speeches that had been made, and the suspicions cast out, take upon himself the responsibility of concurring in that hon. Gentleman's appointment. For these reasons he must vote against any such proposition.

Mr. *Hume* remarked, that the right hon. Gentleman objected to the appointment of the hon. Member for Southwark on account of the speeches he had made with regard to the pension list. Now he might be objected to also; for that hon. Gentleman had not stated a single opinion upon this subject in which he did not most fully concur; and that hon. Gentleman had even made concessions with regard to the subject which he would not be inclined to make.

Sir *R. Peel* said, that if the name of the hon. Gentleman, the Member for Kilkenny were proposed to be placed on the same Committee he should have resisted it. At present, however, the objection was merely to the nomination of the hon. Member for Southwark. He objected, however, to undertake any responsibility in the nomination of the Committee. He had said his objection to the nomination of the hon. Member for Southwark rested upon the principle upon which he sought to have the inquiry conducted. That hon. Gentleman had expressed a strong opinion as to applying the same rules which were adopted under the Poor-law to the persons whose names were on the pension list, and while doing this they had heard sarcasms and personal allusions from the hon. Gentleman, which every one of them must recollect; there was, too, something in the tone and manner of the hon. Gentleman which was quite as significant as his expressions. When, then, he recollected that tone and manner, and considered the speeches he had made, and the parties that were to be before the Committee, he could not vote for the hon. Gentleman.

Mr. *Matthias Attwood* did not consider that the right hon. Gentleman had made out a sufficient case to justify him in opposing the appointment of the hon. Member for Southwark on the Committee. The tone and manner of an hon. Member in addressing that House could never, in his opinion, be a sufficiently strong reason for excluding him from a Committee. He thought that the right hon. Gentleman, the Chancellor of the Exchequer, in excluding the hon. Member for Southwark from the Committee was guilty of an usurpation of power, and an infringement of the privileges of the people; for he deprived a Member of one of the most important duties that his constituents sent him to discharge.

Viscount *Howick* observed, that it had been remarked by the hon. Gentleman who had just sat down, that the right hon. Gentleman, the Chancellor of the Exchequer, in excluding the hon. Member for Southwark, had been guilty of an usurpation of power and an infringement of the privileges of the people, by excluding that Member from one of the most important duties which his constituents sent him to discharge. His answer to such a charge was, that her Majesty's Ministers did not wish to deprive the hon. Member of the power of discharging any one of those duties. It rested with the hon. Member for Southwark, and it rested only with the hon. Member himself, to say whether he was or was not a proper person to be placed upon a Committee, and especially in such a case as this. What were the circumstances under which they were called upon to make a decision? The House had determined, and in his opinion they had determined most properly, that evidence until reported to that House by the Select Committee appointed to receive it should not be published by any Member of that Committee, or by any other person. It was not, as the hon. and learned Member for Oxford supposed, a mere question as to the time at which the publication was to take place, but it was a question whether evidence not reported to the House should be published by any Member of a Committee. He appealed to every Gentleman who was in the habit of sitting on Committees whether one of the questions most frequently discussed by them was not this, whether particular evidence was or was not fit for publication? He saw then an hon. Baronet (Sir W. Molesworth) sitting next to the hon. Member for Southwark. That hon. Baronet, he was sure, could not have forgotten that last year, when he was Chairman of the Select Committee on transportation, a great deal of evidence had been given which it was the unanimous opinion of that Committee was not fit for publication; and before they agreed upon the reported evidence to the House they struck out of it the portions he referred to from the minutes of the Committee. What then was the pretension set up by the hon. Gentleman? It was this. The question rested with the discretion of the Committee to decide as to publication. That was a very nice and a very delicate question to determine. Evidence might then come before the Committee, and if a majority of that Committee pronounced against publication, and the hon. Member for Southwark was on the Committee, he by his sole will and determination had the power of over-ruling the decision of the Committee. And whereas the twenty-one Members proposed by his right hon. Friend might say, "This or that evidence is not on the whole desirable to publish," yet the hon. Member for Southwark could say, "You may decide as you please—You twenty-one Members may so determine, and your judgment may be very good; but in spite of the resolution you have unanimously come to, and in defiance of the rules of the House that evidence is not to be published which you do not sanction, in spite of all that, I think the evidence ought to be published, and it shall appear in the newspapers to-morrow, in despite of your opposition." The hon. Member might not use that which he seemed to consider was his privilege to that extent; but neither to that hon. Member nor any other Member could he think of giving a discretion and a power of overruling the decision of the majority of every Committee of which he chanced to be a Member. The decision of the majority, in his opinion, ought to be binding. He must say with the right hon. Baronet opposite this much with respect to the speeches of the hon. Member for Southwark, that, without wishing to say anything disrespectful of him, they proved that he at least was not a fit person with whom to leave such a discretionary power. He said that the hon. Member in the exercise of that which he believed to be his conscientious judgment might come to a different conclusion from the Committee as to what evidence ought to be published and what not. There was, too, a farther consideration to be borne in mind beyond the decision of what evidence ought and ought not to be published. There was the further question of the evidence being published in a complete and authentic form. That evidence was taken down by short-hand writers employed under the revision of the Chairman, and they were responsible to the House for their accuracy. He said, then, that he did not admit the right of volunteer reporters bringing forward that evidence in such a form, and published in such a manner, as might suit their own opinions or their wishes. The House, too, must not forget that there were many circumstances which made this question, at the present moment, of peculiar importance. Hon. Gentlemen could hardly have forgotten the question of their right to protect publications printed under their authority. In all the discussions upon that point it was declared to be of the utmost importance that their Committees should exercise a sound discretion as to what questions were proposed and what evidence was received by them, in order that they might avoid as much as possible doing an injury to private individuals. If, then, they put that responsibility on the Committee, were they to allow individuals in opposition to the Committee, and in spite of their rules, to publish that evidence, the publication of which they might desire to avoid? He agreed as to the importance of maintaining a rule which had been unanimously affirmed by the House last year. He concurred, too, with the right hon. Baronet, that there was a great distinction in placing an hon. Member on a Committee, and in avowing his determination to violate the rules of the House (which he thought the means could be found of preventing), and not controlling him in taking advantage of what he considered to be his privilege in publishing the evidence given before the Committee. But the hon. Gentleman affirmed, that he would not consent to obey the rules of the House—he even told the House he would violate them. The hon. Member for Bridport had indeed said, that they had always got the worst in all their attempts to control publication. With respect to the debates in that House, he agreed that all attempts to prevent their publication had been, and ought to have been defeated. But with respect to the proceedings before their Select Committee the case was very different. Having, in the course of his duties, served upon several of those Committees, he could say that it was, from his experience, a matter of considerable importance that a sound discretion should be exercised in not publishing evidence that was given before Committees. He referred to the Slavery Committee, the Transportation Committee, and many others: in them that discretion had been exercised, and they effectually prevented that which they excluded from being subsequently published. He would, before sitting down, remark upon the unfortunate proofs which a noble Lord opposite (Lord Castlereagh) had afforded them of his indisposition to give a factious vote; for he had, unfortunately, come down with a prepared speech—a speech prepared for his case, which he was aware of—of their unwillingness to place the hon. Member for Southwark on the Committee, but which was not at all suited to meet the reason that they assigned for it—namely, that the hon. Member would not be bound by the resolutions of the House. Let the hon. Member now say distinctly in his place, that he would be bound by them. It was, he considered, no impeachment upon the honour of any Gentleman, to declare that he would be bound by rules of the House unanimously agreed to. If he would do so, the right hon. the Chancellor of the Exchequer would move that he be placed upon the Committee.

Viscount *Castlereagh* considered, that at the end of the noble Lord's observations, an unwarrantable allusion had been made to him. He assured the noble Lord, that he did not come down to that House with a prepared speech. He hoped the noble Lord could say the same thing. The noble Lord was incorrect in another instance, for it so happened that he was quite aware of the subject of debate, and was apprised of the intention of the hon. Member for Southwark to publish whatever might be debated in Committee. Now, he, in his simplicity of mind, thought the House of Commons could correct that error in the hon. Member for Southwark, while, at the same time, his (Lord Castlereagh's) wish was to expose to the public the plan adopted by her Majesty's Government, and who, while pretending to court inquiry into the pension list, adopted the very best means they could think of of covering it over and sheltering it from observation. He had risen to explain, and he could not now sit down without congratulating the noble Lord on having entirely misinterpreted his sentiments.

Viscount *Howick* remarked, that the noble Lord's explanation left the matter considerably more obscure than it had been before.

An *Hon. Member* considered the right hon. Baronet, the Member for Tamworth, had very properly refused to have any share in the responsibility of the nomination of the Committee. Now, though he approved of the course the right hon. Gentleman was disposed to adopt, yet for himself he must say, that he would take what the right hon. Gentleman had designated the "shabby" course, by not voting at all upon this question.

Mr. *Wakley* had listened with very great attention to the debate, and he confessed was not a little puzzled to discover the proper conclusion which he ought to draw from the observations that had been made. The right hon. the Chancellor of the Exchequer had informed the House, that at the very outset the name of the hon. Member for Southwark suggested itself as the first that should be placed on the Committee; then the right hon. Gentleman observed, that the hon. Gentleman had made a speech which would induce him to be adverse to his nomination; and then the noble Lord, the Secretary at War, had informed the House, that her Majesty's Government considered that from the expressions used by the hon. Gentleman, it would be in the highest degree inexpedient to have such a person on the Committee. The right hon. Baronet, the Member for Tamworth, acknowledged very frankly that the line of examination likely to be adopted by the hon. Member for Southwark, would render it impossible for him to give his consent to place that hon. Gentleman on the Committee. Now he said, that if he could believe that such a mode of examination would be adopted by the hon. Member for Southwark, as that which they had a precedent for under the grinding principles of the new Poor-law, he never would vote for the introduction of the hon. Member for Southwark amongst the Members of the Committee. He never could be guilty of the double injustice of seeing what was practised under the Poor-law Act, and sanctioning the same cold-blooded and cruel system towards the parties who received pensions. It was not the fault of the most of them who were on the pension list that they were there—the fault lay with those who placed them on it. He, for one, never would subject such persons to the searching and cruel examinations which some Members of that House appeared to think would be instituted. Reference had been made to the conduct of the hon. Member for Southwark on the Poor-law Committee. He must say of that conduct, that he had never seen anything more fair, more honourable, nor more intrepid. The hon. Member had, with respect to the publications complained of, declared himself to be their author. The hon. Member had said, "If you believe that I am violating the privileges of the House, take the sense of the House upon it. Carry the question before the House, and I shall not tell you at present what I mean to do after you have a resolution of the House." In giving these publications, the hon. Member had made the poor of the kingdom, and the friends of the poor, acquainted with what was passing in the Committee, and he said to them, "If you have complaints to make, let them be made now, for here is a Committee sitting." Was it not, he asked, a farce to be so nice about a breach of their privileges, when within a few yards of them they beheld their privileges violated daily? Was it not a violation of their privileges to publish their debates, and yet were they not published daily, and would the people of England submit to it, if they were not published daily? He was glad that the people would be able to see how a man was treated in that House who stood up for popular rights, a man whose talents were an honour and a dignity to that assembly, and who shed a lustre upon every subject that he discussed. It was a disgrace to that House, to have permitted him to be so long and so violently persecuted. As to the inquiry respecting the Woods and Forests, the hon. Member had been excluded from it; neither was he permitted to be on the inquiry into charities, when twenty unknown persons were placed on the commission. The people of England, he could assure them, were not unmindful of these things; and, instead of inflicting an injury upon the hon. Member, the attempt to stamp degradation upon him, by presenting him to the world as an individual with whom the Members of her Majesty's Government would not associate in a Committee, would reflect honour upon him throughout the nation. He had seen enough of that House to know, that if a man there stood up for popular rights, he must always calculate upon violent persecution.

Mr. *E. L. Bulwer* said, that having served on Committees of that House with the hon. and learned Member for Southwark, he could state that he had always known the hon. and learned Gentleman to have sincerely and conscientiously discharged his duty. He had always said, that the hon. and learned Member for Southwark was an ill-used and injured man. Before, however, he approached the subject under the consideration of the House he must state that the hon. Member for Finsbury (Mr. Wakley), began his speech with the most extraordinary mis-statement possible. That hon. Member had put into the mouth of the right hon. Gentleman, the Chancellor of the Exchequer, the sentiments which had fallen from the right hon. Baronet, the Member for Tamworth. His right hon. Friend, the Chancellor of the Exchequer, had not uttered a single sentence respecting the opinions of the hon. and learned Gentleman, the Member for Southwark, upon the analogy he had drawn between the Poor-laws and pensions. The hon. Member for Finsbury had also mis-stated the sentiments of the noble Lord, the Member for Northumberland. That noble Lord (Lord Howick), did not say that there was anything in the sentiments of the hon. and learned Member for Southwark, which should preclude him from serving on this Committee; but he did say, that there was something in his (Mr. Harvey's) sentiments which ought to make them feel doubly the responsibility of entrusting the hon. and learned Member with discretionary power. He approached this question with great reluctance. He certainly did think, that the Committee would not be satisfactory, if the name of the hon. and learned Member for Southwark were omitted. But he had to consider this, whether it was not the greater evil of the two, that they should suffer one man, however able and influential, openly to disregard and disdain an express resolution of that House. The hon. Member for Oxford (Mr. Maclean), and other hon. Members who had spoken on this question, appear to think that punishment was better than prevention. Instead of endeavouring to prevent the consequences that would occur to the hon. and learned Gentleman if he persisted in committing a breach of privilege, those hon. Members seemed to exult in the prospect of the hon. and learned Member being brought to the bar of that House. What would the House do in that case, supposing the hon. and learned Gentleman, the Member for Southwark, persisted in his publication? Would they send for the publisher or printer of *The True Sun*, and send him to Newgate, or would they vote for the expulsion of the hon. and learned Member? There might be resolutions of the House of which it was very desirable that the infringement should be punished, but some of those resolutions might be strained too hardly. He had seen enough of discussions on breaches of privilege, and he thought the House would do perfectly right to prevent their being dragged into one if possible. The real question before the House was this—that they had to do justice to the public, to satisfy the public mind, and to remove misrepresentation. If the hon. and learned Member for Southwark were to have the power of *ex parte* publication, instead of satisfying the public mind, he would only inflame and irritate it the more. Besides, they had a duty to do towards the pensioners. They would not look for justice from the Committee if they saw one Member intrusted with power, which none of the other Members had, and that man, too, the most eloquent, the most inveterate, and the most consistent of their enemies. Under all the circumstances, what had Government to do? They never said —and let it go forth to the people, and be rightly understood—they never said, or proposed to say, that the hon. and learned Member for Southwark ought not to be placed on the Committee. He clearly understood them not so to have said. On the contrary, they came forward and did justice to his talents and services, and invited him to become a Member of the Committee. They stated, that they fully appreciated the services which the hon. and learned Gentleman had rendered, but that, if compelled to form a choice, they would prefer even to his assistance, valuable though it might be, the certainty of fair play towards all parties. They preferred also, as men standing up for the dignity of the House, the declared resolution of the House to the opinion of an individual Member, and they preferred rather to prevent a breach of privilege than to punish it after it was committed. He would only say further, that, having invariably voted with the hon. and learned Member for Southwark on all his motions for inquiry, he thought it but fair and manly in the present instance to state that it was with a feeling of regret he was compelled to vote against him on the present occasion; but he trusted that the hon. and learned Member would save further discussion by saying that which no man need be ashamed of saying, and that without in any way submitting or succumbing to the Chancellor of the Exchequer, the hon. and learned Gentleman would make that statement which, in his opinion, the House had a right to expect.

Mr. *Borthwick* said, that if the hon. and learned Member for Southwark had been asked to give a pledge, and had refused it, he thought that his exclusion from the Committee would be proper. But he would like to know, whether the right hon. Gentleman, the Chancellor of the Exchequer, had gone to the other twenty-one Members of the Committee and put to them questions such as he had put to the hon. and learned Member for Southwark? He would support the motion of the hon. Baronet, the Member for Caithness, because in doing so he was vindicating the right of the House to maintain their own resolutions, and to punish those who dared to violate them.

Mr. *Aglionby* regretted to be compelled on this occasion to differ from the course taken by the Government. He thought that the course Government was taking would be unpopular, and deservedly unpopular, in the country. There were two grounds, of a personal and general nature, on which the hon. and learned Member for Southwark was excluded from the

Committee. The personal ground of objection was confined to a publication, in a former Parliament, of evidence taken before a Committee. Now, if the hon. and learned Member had acted wrongfully, it was a matter which ought to have been brought substantively before the House. The hon. and learned Member for Southwark had challenged inquiry and trial; why were they refused? On general grounds, he thought that the Committee should not be of one side; he was anxious that there should be an appearance of fairness and of a fair investigation. He did not believe that there was anything in the conduct of the hon. and learned Member for Southwark which would preclude fair inquiry. If they rejected the hon. and learned Member, the country, which had for many years known that the hon. and learned Member had called for an investigation into the pension list—which had seen that call at length attended to, and the question taken out of the hon. and learned Member's hands—the country, he would repeat, would not place much confidence in the report of a Committee on the pension list if the hon. and learned Member for Southwark were excluded from the Committee.

Sir *A. Dalrymple* rose amidst loud cries for Mr. Harvey. The hon. Baronet was understood to say, that he would follow the course chalked out by the right hon. Baronet, the Member for Tamworth.

Mr. *Harvey* said, that before he proceeded to make a few remarks on the subject matter of discussion, he could not forego the pleasure of offering the thanks of a grateful and generous heart to his hon. Friend, the Member for Lincoln, and also to the hon. Baronet, the Member for Caithness, for his noble, and manly, and kind-hearted expressions of opinion arising from a long and disinterested attention to the investigation in which he had been so deeply interested; he could not help also stating his hope and belief, as he was not one of those who disconnected the destinies of man with higher justice, that the time was not remote when men, forgetting the low and grovelling conflicts of party, would not be the less inclined to believe him because it had been his misfortune to have suffered one of the most severe, the most relentless courses of persecution that had ever been inflicted by an irresponsible despotism. Having said thus much, he would come to the question. He could not concede to the Chancellor of the Exchequer the truth of his anxiety to place him on this Committee. The pretension was falsified on three palpable grounds. The Chancellor of the Exchequer had stated that he originally proposed that the Civil List Committee upon which his (Mr. Harvey's) name did not appear, should be the only Committee to which the inquiry into pensions should be committed. What, then, did the Chancellor of the Exchequer mean by telling the House, and through the House telling the country, that from the beginning he thought him (Mr. Harvey) one of the first who ought to be appointed? The Chancellor of the Exchequer had himself stated that the same Committee should inquire into the pension list that had carried through the civil list reform. He would then come to the letter which the Chancellor of the Exchequer had written. He would say nothing which should challenge the right of the Chancellor of the Exchequer, from his official position, to send letters to Members of that House which any other Member of that House would not have ventured to have written. But he should like to know by what right the Chancellor of the Exchequer called a Member of that House into Downing-street, to ask him what he would do, or what he would not do. But when the Chancellor of the Exchequer had so done, though his (Mr. Harvey's) letter was written in a hurry, he would venture to say, that if the correspondence were placed on the votes of the House, and subjected to the deliberate and calm consideration of its Members, it would be at once ascertained that the Chancellor of the Exchequer had come to a conclusion that was untenable. What was his reply? Whilst on the one hand he spurned the indignity that was attempted to be put upon him by leading him into an unworthy contract, he said he would indeed be disqualified from holding a seat in that House, or to associate in any way with Gentlemen, if he had consented to any agreement of the kind, and that he would not for a moment consent that a great public right should in his humble person be prejudiced by making contemptible conditions in order to get placed on a hard-working Committee. He did also say, and he unfeignedly repeated it, that there might be circumstances in which it would be not only undesirable but highly unjust to publish evidence in the way alluded to. At the same time he was not now a new Member—he was of twenty years' standing in that House, and he appealed to those who had known him during that period, to witness in justification of his statement, that his course had implied, not only an upright judgment, but a generous and kindly feeling. Although the Chancellor of the Exchequer in his letter disclaimed giving an opinion upon his conduct on the Poor-law Committee, the noble Lord (Lord Howick) the colleague of the right hon. Gentleman had not done so, as what the Chancellor of the Exchequer had disclaimed that noble Lord had taken up as a most prominent ground of objection. The noble Lord in referring to his conduct on the poor-law Committee had made a great mistake as to the facts. First of all he might be allowed to call the attention of the noble Lord, the Secretary for the Home Department to what had passed in the Committee, and his hon. Friend the Member for Kilkenny (Mr. Hume), an indefatigable Member of that Committee, would bear testimony to the truth of his statements. The paper with which he (Mr. Harvey) was connected was not the first to publish the proceedings of that Committee, another newspaper had been produced before the Committee to which their attention was called, and he was one of the first to say that he sanctioned the condemnation passed by the chairman publicly in the Committee that whoever ventured to publish garbled statements ought to be exposed to the opprobrium not only of the Committee but of the House In the progress of the inquiry peculiar circumstances arose which rendered the course he took indispensable. Out of the twenty-four Gentlemen composing the Committee, twenty were avowedly opposed to the course which the minority deemed it their duty to pursue. But what was it which led to the course which he had taken, and which he was proud of having taken? He saw seated at the bar of the Committee two or three of the commissioners connected with the poor-law inquiry; he saw their intelligent secretary—he saw their short-hand writer—he saw all the appliances of the powers of office—he saw them not only taking down what was passing in the Committee but writing directly into the country to make inquiries into the truth of the statements given in evidence—crowding the Committee with witnesses to control and counteract and reject the testimony which was previously adduced; and he (Mr. Harvey) immediately pointed it out to the noble Lord (Lord J. Russell), and said that it was not a candid or honourable inquiry, if on the one hand they saw the influential body the poor-law commissioners with all their agents and appliances and the succour of the Committee, making inquiries throughout the whole country against a class of people who, poor themselves, had no means whatever of summoning witnesses at their own expense, or obtaining the necessary communications: he pointed out also that there was scarcely any sympathy between them and the Committee, and that unless the evidence were published from day to day, and the truth were known, he said distinctly that the inquiry would become a matter not only of hypocrisy, but of the grossest insult and injustice towards those whom it was intended to protect. That course he had taken, and when the subject was brought forward whether the conduct of his paper should be brought under the consideration of the House did he not say that he would scorn to shelter himself behind the printer, or any other species of servant who was earning a few shillings a week? did he not take upon himself the whole responsibility, and say that if they went to Somerset-house they would find him registered as sole proprietor of the paper? Did he not state that he was prepared to encounter whatever penalty the law directed? and did he not add that it was absurd to have a law without the power of causing its infringement to be prevented? And what did the noble Lord (Lord John Russell) do to assert the integrity of the orders and regulations of the House? The noble Lord came down to the Committee, and after communications with the Committee and himself as to the course which ought to be pursued, proposed an express motion that the evidence which was received from day to day should be published. But, said the noble Lord the Member for Northumberland, "Was anybody at liberty to publish the evidence in whatever shape he pleased—would the House sanction garbled statements and evidence given in such a way?" He defied the noble Lord to produce any portion of the evidence he had published that was not verbatim the evidence that was given before the Committee, and which with the consent of the Committee and the support of the noble Lord the Secretary of State for the Home Department was allowed from day to day to be published. He would then come to the third point, as his object wasto show to the House the hollowness of the pretexts on which the Government had objected to him. In the former part of the evening he had alluded to the eagerness with which they seized Godsends, their everlasting floundering in mischief, and the readiness with which they caught at straws which the current bore past them. With what eagerness did they seize on the ungenerous suggestion of the right hon. Baronet, the Member for Tamworth. That right hon. Baronet said, that certainly he had his sentiments with respect to the publication of evidence, but he said that it was not his intention to oppose the motion upon that ground; oh no, the right hon. Baronet said, that his reason for supporting the Chancellor of the Exchequer was, "that he (Mr. Harvey) was a gentleman much given to indulge in sarcasms, that he was in the habit of coming forward and making contrasts between the poor and the rich, that he had ventured to say that all persons who received the public money ought to be open to inquiry, and that he would subject them to the same sort of test as the poor old widow he was said to be so fond of alluding to; that he remembered very well that allusion and the allusions of the hon. Member for Southwark to the bastardy clauses of the Poor-law Bill, that he drew distinctions between the unfortunate poor and the offspring of the illegimate connections of some high persons, that such sarcastic remarks were indecent, and rendered the author of them unfit to be a Member of the Committee." If dulness was to be the qualification that fitted hon. Gentlemen for Committees, he congratulated the Treasury bench that they would have their hands full. He would say, then, on those three grounds, that he discredited the assertion which had been made by the right hon. the Chancellor of the Exchequer, that he really was solicitous to place him on the Committee. He begged to ask the right hon. Gentleman whence it was, that, after receiving his reply, with respect to which he wished the House to come to the same conclusion as himself, that it was impossible to read it without perceiving that the writer intended to set the rules of the House at defiance—if that were so, whence was it—and did it not appear most extraordinary—that he did not make some communication to him informing him that such was his impression? Surely he might have expected to have heard from the right hon. Gentleman somewhat in this form:—"The Chancellor of the Exchequer presents his compliments to Mr. Harvey, and begs to acknowledge the receipt of his letter, which, however, he regrets to say is so far unsatisfactory that until he hears further from him he cannot consent to place him on the Committee." Did the right hon. Gentleman pursue that course? No. He reserved his reply, and he heard nothing from him on the subject till to-night, except, indeed, a communication made to him by an hon. Friend of his, the nature of which he would state to the House; but he would not give his hon. Friend's name, because he was not now present. That hon. Gentleman came to him and said, "I am authorised to inform you that the Chancellor of the Exchequer is satisfied with your letter, and your name will be on the Committee; but do not be surprised if somebody, not connected with the Government, asks you whether you mean to publish the evidence or not; so far as the Chancellor of the Exchequer is concerned he will raise no objection." If he was challenged as to the truth of that statement, when the hon. Member appeared in that House he would bring him face to face with the right hon. Gentleman. His hon. Friend inquired of him whether he would give that assurance, and his answer was, "No;" for no earthly consideration would he consent to be placed in such a degraded position. Having thus answered the personal part of the matter, there was one other remark that he wished to make to show how irrelevant was this attack on him, as it applied to him personally. It would be in the recollection of this House that, in the spirit which he believed engendered this opposition, some four or five years back a resolution was passed which was aimed directly at him as a Member of this House concerned in private business. Had they found him—could any man get up in his place and say—could any professional man, in or out of this House, say that they had found him, by any means, directly or indirectly, endeavouring to controvert or evade that resolution, which was a harsh and cruel resolution as regarded its effect on his private fortune? He bowed obedience to that resolution, as he would to any other, deliberately passed by the House. Did he allow his interests as a private individual to govern him? No; he was superior to all thoseconsiderations. What he esteemed as the rightful rules of Parliament while he was a Member of that Assembly he would observe; and he would take care well to weigh the solidity of his opinions before he presumed in any case to disregard its rules. If he had been on this Committee —and he would not swerve a syllable, he would not breathe a word, to induce any Gentleman to suppose that he was in the least relenting with a view to conciliating one vote, or to calm a single apprehension —but he would say that, if he had been on this Committee, and his conduct would be the same on any Committee, he never would violate a rule of this House if, in so doing, he found himself in a situation of individual opposition. But many of his hon. Friends on the former Committee, to which so much reference had been made, thought that the evidence ought to be published, and finding his views so supported, he stepped forward and did that which he considered it his duty to do, hazarding all the consequences. He shrunk not from encountering the difficulties which then presented themselves, his express purpose being that of vindicating what he considered the rights of the community. As to the appeal that was made to him, he would ask the hon. Gentlemen whom he had the honour of addressing not to regard this as a personal question. What appertained to himself could be of no moment, and as a fleeting shadow the House should pass it over. But he did ask them to look at this question as it regarded themselves. He did ask them to consider well if the Chancellor of the Exchequer, whoever he might be for the time being, were allowed to call on any Gentleman he pleased to forego his judgment as to the course he would pursue on a Committee, which, in all probability, would be the next step, would it not be that their Committees, instead of being composed of independent men, would be made up of the mere slaves of the Government? He had heard it asserted, and could fancy and believe it to be true, that some Gentlemen on the Civil List Committee received an intimation before they were put there, before they had the honour of being placed on that Committee, which had no power to send for "papers, persons, or records," and with respect to which it was said the intention was, that it should be a powerless Committee, one that could do no mischief —he repeated, he could fancy and believe it to be true that some hon. Gentlemen, before they were placed on that Committee, were asked, though they might conscientiously differ from the Ministerial proposition, to say nothing about the Duchies of Cornwall and Lancaster. He could fancy the Government addressing Gentlemen thus before they were placed on the Committee: "Your intentions may be honest; but they may be at variance with our views, and we wish to know what you intend to do?" A more slavish principle it would be impossible to act upon. Surely no one who valued his reputation as a man of judgment, or as a man of integrity, and who wished to stand well with the people of this country, would, for any consideration, allow himself to be employed in such a degrading service. He was not aware that there was anything left for him to say. The right hon. Gentleman in the Chair claimed for them at the foot of the Throne at the commencement of every Parliament that they should have liberty of speech. It appeared now that they were not to have liberty of speech. It was said, that the liberties of this country could not be overthrown but by the corruption of Parliament; so he would say, that the liberty of speaking could not be narrowed but by their own narrow views. If, according to the right hon. Baronet, because an hon. Member ventured on the utterance of a sarcasm, or indulged in any little playfulness of fancy, and thus enlivened the dulness which had of late so remarkably characterized their debates, he was to be marked down as a person unfit to serve on their Committees, they would soon be fit for nothing else but Committees of which dulness was to be the principal qualification. He wished to say further, that of all things he should like not to be on a Committee such as the present, as it would necessarily occupy a great deal of his time, which would put him to much inconvenience by its interference with his profitable engagements; but if the House thought that he could be of any service there, if it were believed that he possessed any peculiar knowledge or information that could be advantageously brought to bear on this question, he should place his time and his exertions at the disposal of the House. He would ask the independent portion of the House—and when he said so he considered he was addressing himself to the whole House—he would ask them by their vote this night to show that they were not participators in this slavish requisition of the Government. He would call on them to vindicate their independence, and not allow it to be supposed that in acting on Committees they consented to act entirely under the direction of the authority which composed them, or that the condition of their being placed on them was, that they were to sit in fetters, not being at liberty to exercise their judgment as to the course they ought to pursue. In conclusion, he would say, that he would not accede to the requisition of the right hon. Gentleman, the Chancellor of the Exchequer, for any advantage which it might be in the power of his official station to afford him. He begged to remind the right hon. Gentleman that a man might be poor in circumstances, and yet rich in the feelings of personal independence.

The *Chancellor of the Exheqaer* said, the hon. and learned Gentleman had intimated that there was no great danger of his entering into any competition with him on the score of sarcasm. Unfortunately there was none. Nor was there any danger either of his entering into competition with him on the score of misrepresentation, because misrepresentation was never more complete than was that which he had endeavoured to palm on the House in reference to what had fallen from him. Many hon. Gentlemen who had heard the hon. and learned Member's speech would imagine that he had presumed, by reason of his official situation, to put him in fetters, or to curtail the free exercise of his Parliamentary privileges. He denied that such was the fact. As he had already stated to the hon. Member, the very reverse was the fact. His application to him was not to be considered an official application at all; but in moving the Committee he had addressed him in precisely the same way as he should have addressed him had he been a private Member of Parliament. Did he ask him to comply with any fancy of his, or to give up any fancy of his own? What he had asked him simply to give up was, that which had been declared by a resolution of the House to be the right of the House. If the House took a just view of the matter, that which was claimed by the hon. and learned Gentleman was not his, but a violation of the privileges of Parliament. He begged to take the earliest opportunity of contradicting, in the most distinct manner in which it could be contradicted, that he ever gave authority to any Member of the House to make a proposition to the hon. and learned Member. He gave no such authority to any Member of this House, nor to anybody out of the House. Many hon. Gentlemen had appealed to him—it was a matter of common notoriety that many hon. Gentlemen had appealed to him—on the subject of the hon. and learned Member's name being put on the Committee, and in reply he stated frankly and unreservedly to them that which he stated now, viz., that his objection was not to the hon. Member personally. He contended that he had offered the best test he could of his sincerity, the test he offered to-night, when he told him that if he would state that he would conform to the orders of the House he would be the first person to move that his name be added to the Committee. Was there, then, the shadow of a pretence for charging him with insincerity? He begged hon. Gentlemen also to bear in mind that he had asked him to give the pledge he required, not to him, but to the House itself. He said that he felt great difficulty in having a special Committee for a special purpose of inquiry, and, therefore, he named another Committee already in existence to inquire into the subject; but when he found that that Committee did not attend, he was obliged to name a new one, and the very first name that suggested itself to him, was that of the hon. Member for Southwark. The hon. Member for Southwark said, that he would not be a party to the publication of garbled reports. Now he found in a copy of *The True Sun*, which he held in his hand, the following observations, introductory to one of that paper's reports of the Poor-law Committee's inquiry:—"The great length to which the evidence extends precludes us from giving it entire, but we give such portions of it as appear to us to bear on the practical question of the operation of the Poor-laws." If the House was in favour of placing the hon. Member on the Committee, he would not be responsible for any inconvenience which might result; if any charge was made on Saturday which might be satisfactorily answered on Monday, but which, by being published on Saturday evening, might lead to incalculable inconveniences and misunderstanding, and if in the end all the House should be involved in a contest of privilege—the responsibility would rest on others, not on him. Above all, one word to hon. Gentlemen opposite. It might suit well with their views, being opposed to the present Committee from the outset, to render it as distasteful to the public as possible, and thereby inoperative for the purpose of justice, but let them beware lest in gratifying their private feelings in this instance, they might destroy public confidence in Committees of the House. He had now no more to say. He had discharged a painful duty, in the course of which it had been his lot to engage in a contest with a Gentleman for whom he had always entertained the kindest feelings of respect and regard, but whatever might be the sacrifice which he would have to submit to, whether the sarcasm of the hon. Gentleman himself, or that of hon. Gentlemen on the opposite side of the House, the responsibility of whatever might follow would rest with others, not with him.

The House divided on the original question:—Ayes 122; Noes 71: Majority 51.

List of the Ayes.

Adam, Sir C.
Anson, hon. Colonel
Baker, E.
Ball, N.
Baring, F. T.
Barnard, E. G.
Barrington, Viscount
Beamish, F. B.
Belfast, Earl of
Bernal, R.
Blackett, C.
Bridgeman, H.
Brocklehurst, J.
Bryan, G.
Bulwer, E. L.
Byng, G.
Callaghan, D.
Campbell, Sir J.
Clements, Viscount
Clive, E. B.
Courtenay, P.
Cowper, hon. W. F.
Crawford, W.
Dalrymple, Sir A.
Denison, W. J.
Divett, E.
Duncan, Viscount
Dundas, F.
Ebrington, Viscount
Eliot, hon. J. C.
Ellice, Captain A.
Ellis, J.
Erle, W.
Fazakerley, J. N.
Fergusson, rt. hn. R. C.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, P. H.
Fremantle, Sir T.
Freshfield, J. W.
Gladstone, W. E.
Goddard, A.
Gordon, R.
Greene, T.
Grey, Sir G.
Hallyburton, Lord
Hastie, A.
Hay, Sir A. L.
Hayter, W. G.
Henniker, Lord
Hobhouse, r. h. Sir J.
Hobhouse, T. B.
Hodgson, R.
Hollond, R.
Holmes, W.
Hope, G. W.
Hoskins, K.
Howick, Viscount
Hutton, R.
Inglis, Sir R. H.
Irving, J.
Kirk, P.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Lefevre, C. S.
Lemon, Sir C.
Loch, J.
Lockhart, A. M.
Mackenzie, T.
Macleod, R.
Macnamara, Major
Maher, J.
Maule, W. H.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
O'Connell, M. J.
Ossulston, Lord
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Peel, right hon. Sir R.
Philpotts, J.
Ponsonby, hon. J.
Price, Sir R.
Redington, T. N.
Reid, Sir J. R.
Rice, right hon. T. S.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Rose, rt. hon. Sir G.
Rumbold, C. E.
Russell, Lord J.
Russell, Lord
Sheppard, T.
Smith, J. A.
Somers, J. P.
Stanley, E. J.
Steuart, R.
Stewart, J.
Strangways, hon. J.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Thomson, rt. hn. C. P.
Tracy, H. H.
Tufnell, H.
Verney, Sir H.
Wall, C. B.
White, A.
Wilshere, W.
Wood, C.
Worsley, Lord
Woulfe, Sergeant
Yates, J. A.
Young, J.

TELLERS.
Seymour, Lord
Smith, R. V.

List of the Noes.

Aglionby, H. A.
Alsager, Captain
Attwood, W.
Attwood, M.
Bentinck, Lord G.
Borthwick, P.
Broadwood, H.
Brotherton, J.
Browne, R. D.
Brownrigg, S.
Buller, C.
Castlereagh, Viscount
Chalmers, P.
Clay, W.
Codrington, Admiral
Copeland, Alderman
Craig, W. G.
Dennistoun, J.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Duckworth, S.
Duke, Sir J.
Duncombe, T.
Easthope, J.
Etwall, R.
Fielden, W.
Finch, F.
Gaskell, Jas. Milnes
Gibson, J.
Gibson, T.
Godson, R.
Gore, O. W.
Grimsditch, T.
Grote, G.
Hall, B.
Hawkins, J. H.
Hinde, J. H.
Hindley, C.
Howard, P. H.
Hughes, W. B.
Hume, J.
Humphery, J.
Jervis, J.
Jervis, S.
Leader, J. T.
Lennox, Lord G.
Lushington, C.
Maclean, D.
Marshall, W.

Molesworth, Sir W.
Parker, R. T.
Pattison, J.
Pechell, Captain
Philips, M.
Polhill, F.
Protheroe, E.
Pryme, G.
Round, J.
Salwey, Colonel
Sibthorp, Colonel
Stewart, J.
Stuart, Lord J.
Talfourd, Sergeant
Thompson, Alderman
Tollemache, F. J.
Vigors, N. A.
Warburton, H.
Whalley, Sir S.
Williams, W.
Young, G. F.

TELLERS.

Sinclair, Sir G.
Wakley, T.

SLIGO.—PARLIAMENTARY DAY.] Mr. *C. Buller* felt annoyed at having to bring forward more cases respecting election petition recognizances—but there was one consolation which the House had, and that was, that this was the last day for making such applications. In the case of two Irish petitions, it appeared that a mistake had been made in the recognizances. The same agent was concerned in both cases, and he had committed the same mistake in the recognizances of both. The error, however, did not amount to more than a clerical error, and it consisted in the name of the surety being inserted where the name of the petitioner ought to have stood. This mistake rendered the recognizances nonsense, because it would appear that the surety, and not the petitioner, was the party bound to prosecute the petition. In courts of law there was no doubt but that such an error would be corrected; and he submitted that that House had the power of correcting such an error. He could not apply, however, to have the mistake remedied, because he knew the recognizances could not be altered, and, therefore, he moved that the parties should have further time to enter into the recognizances in the case of the Sligo petition.

Mr. *Borthwick* wished to know whether the day terminated at twelve o'clock, or whether the sitting of the House, after that hour, had the effect of prolonging the day? If the day terminated at twelve o'clock, it was clear that this application came too late.

The *Speaker* was understood to say that, although the debate might continue after twelve o'clock, the day closed at that hour in point of law.

Colonel *Perceval* felt it his duty to appeal to the justice of the House. By the Grenville Act he contended the day terminated at twelve o'clock, and as the recognizances had not been perfected at that hour, he conceived the Speaker was now bound to declare that the provisions of the Act had not, in this case, been complied with.

The *Attorney-General* said, that now was the time, or never, for making the application. They had not as yet entered on the Parliamentary to-morrow, and therefore, although it was undoubtedly past twelve o'clock, he conceived the motion to be quite in time. The error was nothing more than a mistake in the name of the surety, and the effect of it was to render it obligatory on the surety, instead of the petitioners, to prosecute the petition. There really was no difficulty in the matter with respect to time, because it was well known that for many purposes the year was sometimes less and sometimes more than 365 days. This was the case in corporations, where the mayor, being elected for a year, continued in office until his successor was appointed. The object of the Legislature was, that there should be an opportunity of perfecting the recognizances, and hence it followed that the day was considered as subsisting until that House adjourned. It was well known by those at all acquainted with the business of quarter sessions, that matters of form, even provided by Acts of Parliament, were often departed from, for the purposes of justice, and, as in the present case, the recognizances would be void unless the error were corrected, he did think that, even in point of law, the application was in time, having been made before the adjournment of the House.

Sir *T. Fremantle* must once again call on the House to adhere to the strict rule. The Act of Parliament was express, that the recognizances should be perfected within fourteen days, and no one, he thought, could deny that, in point of law, the duration of a day was from twelve o'clock to twelve o'clock.

Mr. *H. Hinde* must deny the law to be as the hon. and learned Gentleman (the Attorney-General) had laid it down. The votes in that House made a clear distinction between the business done previous to twelve o'clock and that done afterwards. The business taken after twelve o'clock was entered, not only in the votes, but in the journals of the House, under a separate date.

The *Solicitor-General* could not concur with his hon. and learned Friend (the Attorney-General), that the recognizances were void because of this mistake. The condition of the recognizances was, not that the parties should prosecute the petition, but that if the costs and expenses were not paid by the petitioner, the instrument should be void. It was true that if three or four parties were bound, and that any one of them paid, that was all that could be required. There was nothing in the Act which limited the duration of the day to twelve o'clock, and his opinion was, that, if the petition were presented at five o'clock in the evening the parties would be entitled to count from that hour. At all events, the application was quite in time, if made before the adjournment of the House.

Mr. *Godson* said, that the question which they were called on to decide was one of very great importance, and was whether a Parliamentary day differed from the legal day. He was, he must say, surprised at what he had heard from his hon. and learned Friends. According to their view, if that House were to sit till seven o'clock in the morning the Parliamentary day would endure seven hours after midnight, but he must say that no lawyer, that no man of common sense in the country, would agree with the construction which they had put on this Act. Suppose that these recognizances were now to be received, and that the petition turned out to be "frivolous and vexatious," what would be the consequence? Why, that when they were attempted to be enforced the parties would snap their fingers and laugh at them, denying their validity, because they had not been perfected within the period of fourteen days limited by the Act.

Mr. *Courtenay* said, that accustomed as he was to courts of law he had never heard worse law than had that night been propounded by the Solicitor-General. There was no person conversant with the practice of Quarter Sessions who did not know that whatever form an Act of Parliament directs must be followed. The hon. and learned Gentleman had spoken of the fraction of a day, but there was no tyro at the bar who did not know that there was no such thing known to the law as the fraction of a day. As a constitutional lawyer, he was surprised at the doctrine that had been put forward that they might dispense with an Act of Parliament. Why, what were the charges against the Stuarts, or against the Long Parliament, but this, that one part of the Legislature dared to take on itself to dispense with an Act of Parliament, and that House was now asked to exercise that dispensing power which every writer on constitutional law concurred in describing as the greatest act of tyranny?

Mr. *C. Buller* said, that there was no neglect in this case, as happened in the Ipswich case, for as soon as the objection became known the petition was presented. The hon. Member for Cavan seemed to mistake the object of his (Mr. Buller's) motion. He did not mean to ask the House to pass any resolution about the validity of the recognizances, he only asked them to enlarge the time. A great deal had been said about the strictness of the law, but the same law gave them the power to extend the time for entering into the recognizances, and if they were to be precluded from exercising that power what was the use of possessing it at all? The hon. Member here referred to the words of the Act of Parliament, which provide that where the recognizances shall not have been entered into within fourteen days the Speaker shall report the same to the House, and the order for taking the petition into consideration shall be discharged forthwith, unless on special cause shown or unless matters shall be specially stated, on oath, as shall give the House reason to see that the time ought to be enlarged. Now, it would be competent for him, when the Speaker announced that the recognizances had not been properly entered into, and when it should he moved that the order be discharged, to get up and move that the order should not be discharged until witnesses had first been called to the bar to prove certain facts that would enable him to show to the House a sufficient case for the exercise of this indulgence. According to the opinions of the Attorney and Solicitor-General, the recognizances were good, but it was held by others that they were bad. Now, he did not want a decision on this point; all he asked was, that the House should enlarge the time.

Mr. *Aglionby* could not think, as at present advised, that the House had any power to enlarge the time. He wished that some learned Friend could convince him that he was mistaken in his construction of the Act. What he felt a doubt upon was that the application for the enlargement of the time ought to be made before the expiration of the fourteen days. He thought that the words, "If the time shall not have been previously enlarged," &c., were to be understood as requiring that the application for the extension of the time should have been made before the expiration of the fourteen days.

Mr. *Maule* said, that the Act of Parliament, which regulated their proceedings, ought to be so construed as to enable substantial justice to be effected. He would not engage in the discusion of the difficult question whether they should call the present time to-day or to-morrow. He would suggest to the hon. Member for Liskeard to take the question upon the motion that the order for taking the petition into consideration be discharged.

Mr. *C. Buller* would adopt the suggestion, and take the discussion on the report of the Speaker. It seemed that his mistake was that he had applied not too late but too soon. He would move that the petition be printed with the votes.

Petition to be printed.

HOUSE OF LORDS,

Tuesday, December 19, 1837.

Minutes.] Bills. Read a first time:—Houses of Parliament; Civil List; Slave Compensation.

Petition presented. By Lord Brougham, from Hereford, in favour of the Ballot.

HOUSE OF COMMONS,

Tuesday, December 19, 1837.

Minutes.] Bills. Read a third time:—Prisoners (Ireland); Slave Compensation.

Civil List Bill.] The Chancellor of the Exchequer moved the Order of the Day for the third reading of the Civil List Bill.

The Bill was read a third time.

Mr. *Hume* wished at this stage to place upon the votes the amendment that he had moved in Committee. As, in accordance with the present mode in which the proceedings in Committee were conducted, it was impossible for the public to know what was proposed in them, he was now obliged to move his amendment. It was, that instead of 385,000*l.* there should be substituted 335,000*l.*

Amendment negatived.

Mr. *Grote* spoke as follows: Sir, I propose to move the entire removal of the sum allotted to pensions from the Civil List. There are several reasons which lead me to think that the House ought not to suffer any such item to continue. My first reason is, that it is not proper or convenient to fix any amount to be granted in new pensions pending the inquiry into the pension list. The House has now appointed a Committee for the express purpose of investigating the names on the existing pension list. It has recognised the principle that all names which appear on that list wrongfully, improperly, or without legitimate grounds, shall no longer be continued upon it. This inquiry is about to be immediately commenced, and I need not remind the House that it is of a nature which permits no delay nor postponement: it must be prosecuted continuously until its termination, and until some result is arrived at. What that result may be is as yet of course unknown; nor do I at all presume to anticipate it. But in reasoning on the present posture of affairs it is impossible to avoid looking at it hypothetically; it is impossible to avoid contemplating the various results which may perhaps ensue. Perhaps it may happen that the Committee will recommend nearly the whole list to be maintained; but perhaps they may recommend that two-thirds or three-fourths of the list shall be struck out—they may pronounce a large and unequivocal condemnation on the purposes to which the pension list has been turned — they may find reason to believe that it has been made a means of systematic and extensive corruption. Remember again that I do not at all presume to anticipate that such will be the judgment of the Committee; I only say that it may be: the case is possible, and that is sufficient for my argument. Now, Sir, I think it cannot be denied that the judgment of the House, as to the sum which it is right to allot in future for the civil list pensions, may be materially influenced by the use which has been made of the pension list in times past. Suppose it turns out that the pension list in times past has been distributed upon the very worst principles—that abuse has been the rule, and propriety the exception—that most of the pensioners are persons who ought never to have been there at all, and ought not now to be continued there—may not the House, when informed of these facts by the report of its Committee, very reasonably say: "We were not before aware of the extent to which abuse had been carried in this list; we see that in future the Minister cannot be trusted with the disposal of so large a fund; we will not run the risk of having such glaring prodigalities in future years; we will lessen the possibility of wrong doing by curtailing the pension fund at the disposal of the Minister?" I maintain, Sir, that in the view which the House may take of the sum proper to be allotted for a pension fund, the consideration of the use to which it has been turned during the past is a very material item—a fact tending to affect our conclusions on the subject in the most powerful manner. And to call upon the House to fix at this moment what the sum allotted for pensions shall be for the future, is to call for a decision in the absence of most important evidence—in the absence of evidence which you are now beginning to collect, and which the lapse of a short time will most certainly furnish. On this ground, Sir, I contend that we should do wrong in fixing the aggregate amount of the pension list for the future while the inquiry into the pension list for the past has yet to be undertaken. To do this is to anticipate in part the result of that inquiry—it is to assume beforehand that no possible disclosures which that Committee can elicit can make any difference in regard to the amount fit to be awarded in future. I contend that we have no right to make such an assumption—it is an assumption not at all just or reasonable in itself, and it is moreover, calculated to impress the public with a belief that our inquiry is not intended to be searching and decisive. Those Gentlemen who have looked at the minutes of the Committee on the civil list will see that the question which I am now starting was mooted in that Committee. The right hon. Gentleman, the Chancellor of the Exchequer originally proposed to continue the sum of 75,000*l.* on the civil list to be devoted to pensions, as it had stood in the preceding reign. On this matter the Committee decided against him, but they acceded to a proposition afterwards made by the hon. Member for Aberdeen, that the sum proper to be allotted henceforward in pensions should be fixed, not in the shape of principal money, but in the shape of annuity—that a sum of 1,200*l.* should be recommended to the House to be placed annually in the power of the Sovereign to be given away in new pensions. I confess, Sir, I cannot see any greater reason for determining the amount fit to be granted under the one shape than for determining it under the other. For how is it that you arrive at the result of 1,200*l.* per annum as the just amount assignable for distribution by the Crown in new pensions? It is by examining the annual vacancies likely to occur in a given principal sum; and, in point of fact, to fix a certain principal sum, and to fix a certain annual amount to be distributed in new pensions is to do one and the same thing under a different name: and if the former be unwise or improper, I do not see upon what grounds you can defend the latter. Both the one and the other are alike open to the objection which I have been urging. Indeed, if the House do resolve to name at this moment the exact amount of the pension fund, I question whether it be not preferable to name the principal amount rather than the annual sum capable of being so applied. Because, by naming the principal amount, you know more accurately the charge upon the public in each year; by naming the sum annually disposable, you know the amount of charge only upon the average of years. The sum of 1,200*l.* annually given in new pensions, will correspond to a greater or less amount of principal charge, according as the lives selected are young and old, of greater or of less duration. I may be told, perhaps, by the Chancellor of the Exchequer, that unless the amount annually disposable for pensions is now fixed, he will not be able to settle the civil-list at present. But it is plain that, whether the right hon. Gentleman carries the present Clause or omits it, still the old pensions will remain unsettled until the conclusion of the inquiry about to be undertaken by the Committee; and if he settles the civil list now, he will be obliged to call upon Parliament, at the end of that inquiry, to make a separate provision for those pensions which are adjudged to have a right to continue. If the provision for the old pensions is postponed, I do not see why the provision for new pensions should not be postponed until the same time, and why it should not form part of the same measure. My next reason for thinking that these clauses ought not to be allowed to stand is, that a fund for pensions seems to me to have no proper place in the civil list. Assuming that a certain sum ought to be allotted to pensions—that it is right to name that sum now—admitting both these positions, still I contend that the charge ought not to be considered as forming a portion of the civil list. Gentlemen will recollect, that the provisions of the Civil List cannot be in any way altered during the reign of her present Majesty, which promises to be long, and which I sincerely hope will prove long. It may be right, that those arrangements which are connected with her Majesty's household and establishment, and which conduce to personal dignity and comfort, should be thus defined once for all, and that her Majesty should not be disturbed by the inconveniences attending upon any change in those matters after they have once been fixed upon a precise scale. The necessity of thus determining the amount of the civil list generally, for the entire duration of the reign of the Sovereign, is founded upon reasons connected with the personal comfort of the Sovereign herself. But what necessity of a similar kind exists for irrevocably determining the amount of the pension list, not to be again altered until the termination of the reign? How is the comfort or dignity of the Sovereign connected with the power of distributing a certain sum of money in pensions? Why is the House called upon to fix the amount of pensions placed at the disposal of the Sovereign for an entire reign any more than the House fixes the number of civil offices, or the extent of naval and military forces which shall be placed under the command of the Sovereign for a whole reign? The power of appointing to a place in the pension list, is in no way more essentially connected with the comfort or dignity of the Crown than the power of appointing to civil or military offices; it would be most unwise to determine at the beginning of the reign, how many offices the Sovereign should have the power of conferring, and to restrain ourselves from varying that number until the demise of the Crown; and I contend, that it would, in like manner and for the same reasons, be most unwise to fix an unalterable and irrevocable pension list. If pensions are to be continued at all, we ought to reserve for Parliament the power of discontinuing them, as to future grants, whenever it shall think fit. We ought to retain in our hands the option of modifying or terminating the system, if abuse or profligacy should demand our decisive interposition. It will be remembered, that the Committee of 1831 distinctly recommended that nothing should be retained on the civil list, except such charges as conduced to the personal comfort and dignity of the Sovereign. Now, I again contend, that in the true meaning and in the just spirit of that recommendation, the pensions ought decidedly to be removed from the civil list; for pensions are obviously not connected with the personal comfort of the Sovereign, and they are no otherwise connected with the dignity of the Sovereign than as the army, the navy, the civil and military appointments are also connected with it. I shall be told, Sir, that the Committee of 1831, notwithstanding their own general principles as to the civil list, nevertheless retained the pension fund as an adjunct to the civil list. The reasons why they did so retain it, are embodied by the Committee of 1837 in their Report, and sanctioned by their concurrent opinion. These reasons appear to me not only most unsatisfactory in themselves, but utterly inconsistent with the resolutions passed by the House of Commons in 1834, which the Committee cite and adopt in the very same page. What are these reasons assigned by the Committee of 1831? They say—"Some provision ought, in all cases, to be made for such payments as it is to be presumed the Sovereign would have been desirous of making, had he remained in possession of his hereditary revenue. That one class of such payments would consist of payments to those of his subjects whom he wished to favour cannot be doubted." Now, Sir, let me ask, is this the definition which the House are disposed seriously to set forth of the persons whose names ought to stand upon a pension list? What is this but making the pension list an instrument and evidence of courtly caprice and favouritism? On this definition, it is idle to talk of abuse of the pension-granting power—abuse of that power is impossible—the titles of all individuals on the pension list are all equally good and equally unassailable—the most worthless individual who does now stand, or ever has stood upon the pension list, comes under the class of "those of his Majesty's subjects whom his Majesty wishes to favour, and of payments which his Majesty would have been desirous of making, if he had remained in possession of his hereditary revenues. "Suppose ourselves in the reign of Charles the 2nd. What are the payments which that monarch would have been most anxious to make; and who are the persons whom he would have been most desirous to favour? Why, the Duchess of Cleveland, and the Duchess of Portsmouth, and Mrs. Eleanor Gwyn would have stood at the head of the list, with pensions on the largest scale assigned to them; of all payments, the payment assigned to these ladies would have been most certain to be made, while the Sovereign remained in possession of his hereditary revenues. I might make the same remark with regard to the royal mistresses in the days of George the 1st. and George the 2nd.; and I make it with the view of showing what is the real value of the definition set forth in the words of the Committee of 1831. The Committee of 1831 tell us in plain terms that the pension list is intended simply as a means of gratifying courtly favour and caprice. Upon such a supposition they do right in connecting it with the civil list; but, then, upon such a supposition it would be idle to talk of investigation or inquiry into the pension list, or of separating the good names from the bad. Now, Sir, I complain of the Committee of 1837, that they have adopted the recommendation of the Committee of 1831, to keep these pensions in connection with the civil list, while they only profess to adopt—but in reality reject—the definition furnished by the prior Committee, on which alone such recommendation was founded. For this definition was virtually overruled and abrogated by the resolutions of the House of Commons passed in 1834, prescribing the conditions on which alone pensions should hereafter be granted—resolutions which the Committee also adopt and incorporate in their report, and which they expressly recommend as the basis of all future grants. Moreover the House of Commons has sanctioned an inquiry into the existing pension list, with the view of distinguishing the good and deserving names from the bad and undeserving. Now, Sir, I contend that by this inquiry; coupled with the resolutions of 1834, now engrafted on the civil list Bill, the pensions have ceased to be that which the Committee of 1831 defined them to be; they are no longer payments "such as it might be presumed that the Sovereign would have been desirous of making had he remained in possession of his hereditary revenue:" they are "payments made to such persons only as have just claims on the Royal beneficence,' &c. I contend, further, that though the Committee of 1831, who describe pensions as mere arbitrary manifestations of the Royal favour towards individuals, and mere substitutes for the presents which he would have made out of his hereditary revenue, might consistently recommend them to continue as appendages to the civil list; yet the Committee of 1837, and the House of Commons of 1837, who describe pensions in a very different manner, cannot consistently adopt the same recommendation. Grants of pensions are now to be made only to persons who come within certain predetermined conditions. The responsible advisers of the Crown are placed under formal obligations to see that this rule is observed; and in order to make assurance still more sure, a return of the new pensions granted is to be laid annually before the House of Commons. Now, surely, Sir, it is plain that the formal imposition of this limit diverts the pension of that immediate connection with the simple and arbitrary preference of the Sovereign which alone constituted the ground for uniting it to the civil list. In the spirit of the resolutions of the House of Commons in 1834 the pension list ought to be disconnected with the civil list, and to be placed upon the consolidated fund; and the Committee of 1837 seem to me to have committed a great inconsistency in recommending the contrary. Sir, I have hitherto confined myself to the task of showing that the amount assignable in future pensions ought not to be named now, pending the inquiry; and that if named, it ought not to form any part of the civil list. But, in addition to these objections, I do not hesitate to add, that there are others which lie still deeper, and which lead me to call in question the wisdom and policy of the civil list pensions generally. In introducing this topic to the notice of the House, I have first to remind Gentlemen that the position of affairs is materially changed since the subject was discussed last year and in preceding years. A wider field of debate is now open to us; we are not only at liberty to entertain considerations which were formerly closed, but we are imperiously and unavoidably called upon to discuss a question of principle, involving all the bearings of the pension list, and the foundation upon which it rests. In former years when this matter came under the notice of the House, no question could ever be started except as to the character of the names on the pension list. The existence of the pension fund, the time of its continuance, and the limit of its aggregate amount, were all distinctly provided and prescribed by Act of Parliament; no debate could be entertained respecting either of these points, until the decease of the late Sovereign. The only question then open was respecting the character of the names by which that pension list was to be filled. Accordingly, it was upon this point that all the previous discussions in the House have turned; it was to the correction of this infirmity that all the precautions of the House have been directed. The resolutions passed by the House in 1834 were intended to guard against the introduction of any improper names into the list for the future; the various motions made for inquiry were intended to purify the list of names assumed to be exceptionable, and to substitute better names in their place. I wish the House to recollect that at the present moment they are not circumscribed in the way that they were then. You are not only at liberty to prescribe rules for the character of those who shall be admitted to partake of the pension fund, but you may either lessen the amount, or suspend the continuance of the fund. Parliament is called upon to make a new decision, affirmative or negative, whether the pension list shall be permitted to remain open for future grants or not; and it is, therefore, incumbent upon us to take a comprehensive survey of the purposes which these pensions are expected to fulfil, and of the advantages which the public are expected to derive from them. My opinion is, that no sufficient public advantage arises from these pensions to warrant us in creating a special charge on the nation for the purpose of providing them. The House will, of course, understand that I speak entirely of the pension fund which has hitherto been connected with the civil list. I do not at all allude to those pensions of retreat, or retiring pensions, which come to the public servant according to certain fixed and determined rules, as one particular portion of his reward for devoting his time to the service of the public. To give retiring pensions may or may not be a beneficial system of reward: on that I do not now pronounce any opinion—I do not mean to raise the question. But admitting the system of giving retiring pensions or superannuations to be ever so good, I maintain that the pensions hitherto annexed to the civil list by no means belong to the same class or category. They differ in this material respect: the retiring pensions are awarded after a fixed method, and according to certain determinate rules; the pensions which we are now considering are by their very nature exceptional, irregular, and discretionary. The retiring pension is looked for and relied upon, and forms part of the regular expectations of those who enter the public service. The civil list pension can only be the lot of a select few—it comes without notice and without being reckoned upon—and it can be regarded only as a lucky windfall or accident. This constitutes a broad and marked distinction between the two—and in questioning the expediency of the one, I employ arguments which have no necessary application to the other. Apart, therefore, from all question respecting the regular pensions of retirement, the matter which the House is now called upon to determine is this: is it right to create a public fund for the purpose of enabling the Minister of the day to grant pensions annually to a few select individuals, prescribing by certain general indications the character of the persons who are to be thus favoured? Supposing the person who receives one of these pensions to be really a man of merit, still more if he be a man of merit in distressed circumstances, there is doubtless a disposition on the part of the public to sympathise with him in the satisfaction of obtaining it. I do not wonder at this feeling—still less am I disposed to blame it—but I will only entreat Gentlemen to consider that this is neither the only consideration nor the leading consideration in the case. If any great nobleman chose to distribute a portion of his income in annuities to persons of merit and ability, most undoubtedly it would redound greatly to the credit of his disposition. But when we are called upon to provide a fund by charges upon the public, to be distributed to any class of persons whatever, we cannot suffer ourselves to be guided implicitly by sympathies for the individuals benefitted. We must require to have some public purpose shown, which such a fund is calculated to answer—some national advantage which is to accrue, and in which the people at large are either directly or indirectly to partake. Now, Sir, I look in vain for any such public advantage arising out of this fund for pensions on the civil list. Does it operate as a reward for public service? I say it does not, for 999 public servants out of 1,000 go through the whole career of their public duties without ever obtaining it. Does it operate as an incitement to superior activity or good behaviour in the public service? Impossible; for scarce any one can ever look forward to obtaining it—the chance is too small to be capable of being appreciated, or to act upon the imagination of any one: it is a prospect far too uncertain to be contemplated as a motive for exertion. Does it operate to encourage pursuits and habits of a scientific or literary tendency, which, though beneficial to the public generally, are not profitable for the individual person in whom they are exhibited? It cannot be so: the prize is one which is both too small and too much out of reach to produce any such effect upon any one. Does it enable you to reward any great and signal benefit conferred upon the nation, which outstrips the measure and obligation of ordinary service? Sir, the history of the country shows that whenever such signal services are believed to have been rendered, it has been the practice to make application to Parliament for a special grant, as in the case of Dr. Jenner's discovery of the cow-pox, and other similar special grants which might be mentioned. If you look with any attention upon this matter you will see that the pensions on the civil list neither operate as an ordinary reward for ordinary service nor as an extra reward for extra service, nor as an incitement to useful ambition and energy. I cannot see any way in which they conduce to a really good public effect, and that is the reason why I advocate their discontinuance. The only real effect which these pensions produce is confined to a select circle under the Minister's eye—you enable the Minister to pay a compliment to some one amongst a certain select class of individuals, and to make a certain addition to that his income. The classes amongst whom the choice is to be made have been defined by the resolutions of the House of Commons, now embodied in the Bill before us—the individual to whom a pension is given must be either known in the public service, or eminent to a certain degree in science and literature—but though the Minister is tied down to choose among these classes, his preference amongst the individuals belonging to them is perfectly unfettered. He must choose a literary man, or a scientific man, or a public servant, of some pretensions: but he may choose any one of these whom he pleases. Now, what public benefit arises from enabling the Minister to single out some one mathematician, or some one natural philosopher, or historian, or poet, for a public compliment, leaving all the others unrewarded? Let us just reflect upon what happens. The Minister has a vacancy on the pension list, and he wants to pay a compliment to the science of mathematics: he selects some one distinguished mathematician to fill the vacancy. Will it not constantly happen that other distinguished mathematicians feel themselves aggrieved by this preference? They will say, we do not care about the money, but the compliment paid to Mr. So and So implies that he is the first mathematician in the country, and this is a pre-eminence which we cannot admit. Sir, I say, that this is a feeling both natural and justifiable. For why is this compliment to be paid to any one particular man of science or man of letters, at the public expense, when there are others equally deserving of it? I might easily illustrate this argument by repeating comments which I have heard made on various pensions which have been granted during the last few years; but I avoid any such allusions, because I neither intend to criticise, nor wish to appear to blame, any of these recent pensions. But I repeat, that if you place in the hands of the Minister a public fund, to be distributed in pensions, either to public servants or to men of science and letters and philosophy, the public is entitled to require that he shall single out the most exalted merit of its kind; and the moment that the Minister fixes his choice upon any one, merely upon his own responsibility and without any public competition, he is sure to arouse the sensitive feelings of literary pre-eminence and personal comparison. You pay a compliment to one man of science, or to one public man, but you create a feeling of dissatisfaction and wounded pride in the bosoms of a dozen others. The difficulty which I point out is inherent in the case. And let it not be said, that I am dwelling upon something too minute and trivial, when I thus talk of jealousy and dissatisfaction among the scientific or literary competitors of the person to whom the Minister gives a pension. Why, Sir, the only good which the pension does is the gratification which it imparts to the favoured individual, and it surely, therefore, is not improper to take some account of the contrary feelings experienced by others. But then we are told, that the pensions on the civil list are not to be distributed according to public services alone, or to scientific merit alone, but partly to charitable purposes also. I cannot think, Sir, that this new ground on which the pensions are placed will be found more tenable than the other. Your pension list is then to be an asylum for public servants or for persons of literary eminence when they happen to be in a state of comparative distress. Let me ask, whether this test will be found to hold if it is applied to pensions granted during the last few years? I am quite sure, that there are persons on that list among the literary and scientific men placed there since the last few years, who would feel much hurt if any one were to ascribe their pension to the fact of their being in distressed circumstances, or to any other cause except their own personal title and deserts. But I believe, that when we are told that the pension list is to be devoted partly to persons of public service or literary excellence, partly to purposes of charity, it is not meant that in every individual case the two grounds of claim must both be combined, but that some pension shall be given on the one ground, and some on the other. Now, this seems to me to introduce entire confusion and perplexity into the distribution of pensions. On one of the same list, you see one person placed there on the score of public services or scientific excellence alone; another on the score of charity alone; and a third on the score of both combined. The distribution of pensions will become more arbitrary and irregular than ever. It was but the other day, that the question was expressly put to me by a scientific man, in reference to the speech of the Chancellor of the Exchequer on the night when he first proposed the civil list. "I observe (he said) that the Chancellor of the Exchequer sometimes rests his pensions on the ground of distinguished eminence on the part of the recipient, sometimes on the ground of benevolence and charity. Now, it is essential (he continued) that the point should be distinctly understood, whether they are granted for the one ground or for the other. For the value of the compliment, the meaning and inferences deducible from it by others are entirely different according as the one or the other is the true reason for which it is conferred." Sir, I perfectly agreed with the gentleman who made this remark to me. I think the scientific world have a right to know when any particular man of science is singled out for a pension charged on a public fund, whether the grant implies scientific superiority, or whether it is intended as mere relief and assistance. If you leave this question doubtful, you greatly impair the value of the pension even as a compliment to the pensioner himself, and you entirely destroy its value as a compliment to the general body of scientific and literary men. If we look at the real state of the case, we shall find that the only persons who are in any way affected by a pension list, are a select circle of persons whose position and circumstances make them known to the Minister, who may expect to receive pensions themselves, and who may consider themselves, in a certain sense, as competitors of the person preferred. To the public generally, no benefit whatever accrues: they receive no service which they would not have received just as much without the grant of any such pension. But what is the effect produced upon this select circle of rivals and expectants? Sir, I cannot but think, that whatever effect is produced upon them is of a very undesirable character. If there be any of them who desire to recommend themselves for a grant on the pension list, the most effectual way of doing so will be by keeping well with the Minister of the day—by pliant and obsequious behaviour in regard to his views—by acting so as to obtain patronage and support from the Minister's partisans. If, I say, there be any person amongst the narrow circle to whom pensions may be given who seeks to recommend himself for a preference, this is the path which he will probably and naturally follow. And is it a desirable thing that he should be encouraged to follow this path? I think not. The habit of looking up to the Minister for vague and uncertain favours is one which is the very reverse of exalting to the character of literary men or of public servants. Instead of trying to create these habits, we ought rather to inculcate the lessons of independence and self-reliance. We ought to teach them to look to the natural and constant reward of their own exertions rather than to the accidental breath of ministerial favour—I would at any rate abstain from holding out to them any artificial temptation to servile or obsequious conduct. When Gentlemen speak of the importance of encouraging literature and science by means of pensions to literary and scientific men, I beg them to recollect what proportion of the existing pension list is occupied by names of celebrity in these departments. So far from forming the general rule, names of literary or scientific celebrity form rare exceptions on the present pension list. Out of a total expenditure of 130,000*l.*, something between 4,000*l.* and 5,000*l.* is devoted to persons of literary and scientific eminence. There cannot be a greater mistake than to imagine that the pension fund has been either wholly or principally devoted to the sustentation of men of letters. But if it were so devoted wholly and without reserve, would the effect be good? Sir, I think the effect would be any thing but good. The employment of a large fund in this way would give the Minister a degree of controlling influence over the literary and scientific world, which would be fraught with a large balance of evil. It would enable him to corrupt and buy over to his own service a large proportion of those distinguished minds, by whom the intellectual character of every age is formed; and that, too, without being guilty of any apparent wrong, or seeming to deviate at all from the line of his duty. He has but to let it be understood according to what principles he will dispense his rewards, what particular tone of writing he will please to recompense, and there will be abundance of authors to tread the path chalked out for them. The integrity of literary men would be undermined, and their independence of character assailed, by temptations to which assuredly but too many of them would succumb. A large pension fund in the hands of the Minister, applied in the way of discretionary rewards to what is called the encouragement of literature and science, would be apt to degenerate into a fund for the corruption of literary and scientific men. If the pension fund be small, undoubtedly the effects will be less mischievous. But the tendency will still be the same: it is the force and effiacy only which will be diminished. And surely, if the continuance of the pension fund is to be justified upon any sound principles, we ought not only to prove that it is productive of little or no evil—we ought farther to demonstrate that it will bring about some positive and assignable good. I know, Sir, that Gentlemen when they discuss this question commonly state some particular cases in which some pecuniary aid is both urgently needed and specially deserved—the case of an author struggling with want, and engaged in useful studies which are not widely appreciated—the case of a scientific man prosecuting researches of which the result must be long deferred—and other such instances which touch powerfully upon our sympathies. Sir, I do not deny that such cases exist, and that it is a great delight when persons are found who have both the means and the will to relieve them. But the question to ask is, are these the cases to which the pension fund in the hands of an English Minister will be devoted? Whether we consult past experience or future probability, we may confidently affirm that such cases will occur but rarely in the pension list. If they are found there at all, it will be by a happy accident rather than by any natural result of the system. It is not such cases as these which make themselves vividly present to the eye of a Minister, or which are forced upon his attention by influential partisans. Those authors in whose favour our sympathies are most strongly enlisted during the present discussion are precisely the persons least likely to benefit by the pension list. Unless their cause is espoused and enforced by some powerful patron, they will be left to work and to suffer unheeded, and their claims will be postponed to those which are more in the highway and blaze of public celebrity. And therefore the existence of cases such as these described, of unrewarded talent struggling against the pressure of poverty, cannot be held to constitute a sufficient reason for levying a pension fund at the public expense. Surely Gentlemen will not be inclined to reason this case as if there were to be no abuse whatever in the distribution of pensions—as if the Minister was always to seek out for the best and fittest recipient, without any other object whatever. Is it at all to be imagined that this will be the fact? Has it happened during the past, or will it happen during the future? In this matter of the pension list especially, there always must be a peculiar liability to abuse. There is so much discretion and favour in the case, that an absence of abuse here is altogether incredible. The resolutions of the House of Commons, and the necessity imposed upon the Minister of laying on the table of the House of Commons a return of every person upon whom he confers a pension, will undoubtedly operate as a restraint to some extent; the person selected will be one of some pretensions and qualifications, and you are secured against grants which are culpably unworthy; but above that point the protection is not of any efficacy, if the Minister be inclined to evade it. If any man calls to mind the solicitation to which the Minister must necessarily stand exposed, the influence made with him to favour this man or that man, it would be strange indeed if he were unable to bestow his undivided attention on the task of searching for the fittest man. I cannot so far banish the recollection of former experience, and the probabilities derived from influences which are no less active at the present time than they were formerly, as to believe that the distribution of these pensions hereafter will be such as to correspond with the lofty purposes which they are understood to aim at. The recommendation of the Minister's partisans must be during the future, as the existing list shows that it has been during the past, the most frequent passport to a pension: the large majority of pensioners will have no better title to be on the list than hundreds of others who are not on it, and have no chance of ever being on it. Sir, in regard to that particular defence of the pension fund which is founded upon the necessity of providing means for relieving persons of merit who are in distressed circumstances, I beg the House to reflect carefully upon one particular circumstance —I mean the analogy of the Poor-law Amendment Bill. There may be Gentlemen in this House who think that this analogy has been pressed more closely and frequently than the real circumstances of the case warrant; but they may be assured that there is no one point of our proceedings on which the public mind is more keenly alive, or by which the dispositions prevalent in this House are more likely to be judged. I supported that Bill when it was first proposed, and I still continue to support it now. I think it has worked, as a whole, most beneficially for the great body of the poor; but at the same time, I cannot conceal from myself that there are peculiar cases in which it has pressed hardly upon some individuals, and in which it has imposed the necessity of withholding relief where sympathy and compassion, if we allowed ourselves to consult them without reference to the general results of the proceeding, would have prompted us to give it. The Poor-law Amendment Act involves this very serious principle—that no relief is to be given out of the poor-rates except to entire indigence and destitution—that no relief in aid is to be extended either to cases of peculiar merit, or to cases of peculiar hardship, if they fall short of this unhappy extreme—that all these special cases shall be left to private bounty and charity, and not provided for out of the public fund for the poor. I ask whether it is not altogether inconsistent with this principle of dealing if you now bring into existence a public fund for the express purpose of relieving those same special cases in persons of a different rank from the poor, which you have forbidden to be relieved out of the public poor-fund in the instance of the poor themselves? Will not poor men, who are weighed down by a very large family, or by some peculiar burden of misfortune, have some reason to complain of unequal treatment if you enforce the principle of shutting them out from relief in aid, out of the public fund, when you think it right to create by public tax a special fund in order to alleviate this precise species of calamities in the dependents and connexions of the rich: I do think, Sir, that this would be unequal treatment: we should teach the great body of the poor the melancholy lesson that we adopted a principle of exclusion in regard to special cases of hardship on the part of poor men, and a principle of indulgence and munificence towards the special calamities of those whose position was nearer to our own. Sir, if any one cause more than another can tend to make the Poor-law Amendment Act odious to the bulk of the community, it is the idea that the poor are dealt with unfairly and unequally, and upon principles which are not supposed to apply to the ranks above them. I think that we shall be doing much to encourage and sanction this idea if with the present administration of the Poor-laws we proceed to create a fresh pension list for the Crown at the cost of the people. Gentlemen may, perhaps, ask me whether I would think it fit to take away altogether the means of recompensing extraordinary merit or special service to the nation. I reply, Sir, that I think Parliament is the quarter to which application ought to be made, in the event of any special reward being necessary. A case ought to be made out before this House, if there be any extraordinary services or any remarkable excellence in other ways which is supposed to demand a recompense at the hand of the nation. I know I shall be told that Parliament will be both profuse and partial, and I am well aware that this is true to a certain extent. But still I contend that the best security which you can take against excess or error is to require that the case shall be previously proposed and approved in Parliament before any grant is made. This is the same security which we have against extravagance in any other department of the public expenditure: and imperfect, as I confess it to be, still I think that the charge upon the nation would be both smaller in amount and more conducive to really beneficial purposes, than it is likely to be under the proposition of the right hon. Gentleman now before us. I think that propositions of this kind would not be lightly submitted to the House, when it was necessary to sustain every one of them by a statement of positive merits or services, open to comment or discussion in this House, and when every separate grant carried with it a specific addition to the public burdens. I think that propositions for special national recompense would not often be made; and would be still less often successfully made; and most assuredly in a good system such interpositions ought on all accounts to be rare. If it be contended that the Crown would be deprived of the means of rewarding ancient and faithful personal servants of the Sovereign, I submit that the proper way of obviating this objection would be to make a moderate addition to the privy purse, or to the sum allowed in the fourth class of the civil list for royal bounty. In my view, I confess, these sums as they now stand are quite sufficient, and more than sufficient, to meet all the reasonable wants of the Crown, of the kind which I am now considering: nevertheless, if the House thought otherwise, these amounts might receive a moderate increase. Upon the principle which I propose the reward of merit would stand pointedly distinguished from relief to distress, as I think it ought to be: it would neither be dispensed through the same hands nor out of the same fund. Sir, I have now endeavoured to state to the House the grounds on which I propose that this sum of 1,200*l.* annually for new pensions shall no longer stand on the civil list. I have stated objections which I consider to be weighty and forcible against the continuance of a pension fund generally; I have endeavoured to show that no public advantage accrues from it, sufficient to induce us to create such a fund at the cost of the people; I have endeavoured to show that whether we consider it as a fund for relieving distress or for rewarding merit, in either case there are objections which more than outweigh all the benefit to individuals which can be supposed to arise from it. I have also sought to impress upon the House my conviction that, in creating a public fund for the relief of those special cases of distress, in favour of which the pension fund is invoked, you place yourself in awful contradiction with the strict principle involved in the Poor-law Amendment Act, and that in the present temper of the nation, you cannot too carefully avoid the suspicion of administering relief strictly towards the labouring classes, and indulgently towards others. These objections point, of course, to an entire discontinuance of the pension list for the future, and it is my opinion undoubtedly, that the list ought to be discontinued. But even if Gentlemen are disposed still to maintain a pension list of the amount here defined, I have endeavoured to show the House that there are grounds for striking this particular clause out of the civil list at present. For I contend that the provision for pensions does not properly and conveniently belong to the civil list, and ought not to be fixed irrevocably and unalterably for the duration of a long reign; and I contend farther that there is a peculiar impropriety in fixing the amount of the pension fund for the future, at a moment when a full inquiry into the administration of the pension fund for the past is just commencing —an inquiry which may supply materials most important for determining the deliberate judgment of the House as to the future amount which it may be wise to allot for this object.

Mr. *Hume* rose to second the motion, As his hon. Friend had completely exhausted all the arguments that could be adduced on this subject, he would only say that his opinion was strengthened more and more every day, from the working of the pension system, that no pension whatever ought to be granted to any individual out of the public funds. He hoped that the time was coming when this principle would be acted upon. The reason why he was anxious to second the motion was, that he did not consider the continuance of the pension fund consistent with the report of the Committee of last Session. The very word "pension" was rendered odious from the abuses that had crept into the system. And such was the general feeling throughout the country, that he did not think that this grant of 1,200*l.* a-year would, in the words of the Committee, add either to the honour, the comfort, or the dignity of the Crown.

The *Chancellor of the Exchequer* had no reason to complain of the mode in which the hon. Member for the City of London had introduced this subject, on the contrary, the calm tone in which the hon. Gentleman had treated it, was to him perfectly satisfactory. But having done justice to the mode in which the hon. Gentleman had introduced the subject, the hon. Gentleman would excuse him if he took the liberty of saying that he differed essentially from some of the principles laid down by the hon. Gentleman, and he would also show that the hon. Gentleman was in error in some of his facts. He admitted that the latter objection was not that which was most material, inasmuch as the hon. Gentleman had rested his chief argument upon principle, but whether a reference to the mistakes in fact were more or less material in arguing this subject, he thought it essential that the House and the public should be precisely informed with respect to the money part of the argument, and the exact charge which by the new plan was intended to be cast upon the public as compared with the previous plan. The hon. Gentleman had strangely stated that the charge of 1,200*l.* a-year, created in each year, and continued for a period of twenty years, would amount at the end of that time to an annual charge of 40,000*l.* In this the hon. Gentleman was completely and evidently mistaken. The fact was clear, that 1,200*l.* accumulated in any way for the youngest and best of lives even if no life dropped in the time, could not produce 40,000*l.* He was, therefore, surprised that the hon. Gentleman had fallen into this singular mistake. His statement was this, that the combination of the old pension list and of the new pension list would amount to that sum, and it was arithmetically demonstrable that this statement applied to the combination of both lists. This was a mere question of fact; he called the attention of hon. Gentlemen to the reduction which had been made on the previous civil list as a most material consideration. Under the old system of fixing the maximum at 75,000*l.*, which was supposed to be filled up, as in all probability it would be, during the period of, say twenty years, this sum would be annually charged upon the pension list. By the new plan, as adopted in the Bill before the House, this charge would be reduced in a period of twenty years to the sum of 41,000*l.*, thus showing an absolute saving of not less than 34,000*l.* The hon. Gentleman's argument might be justly said to apply to the lesser sum as well as to the greater, but as the House had been told that no reduction was effected; but rather that there was an increase in consequence of the provisions of the present Bill, he thought he had a right to call the attention of the House to the fact. It might be ascertained by calculations what was the actual value of the faculty vested in the Crown under the old system of filling up vacancies to the *maximum* amount of 75,000*l.*, taking the average of the lives of the pensioners. If they took this, and compared it with the value of the faculty of creating new pensions to the amount of 1,200*l.* a-year, the difference in the amount was not less than 700,000*l.* This was a direct saving to the country. He apprehended that the real and main argument of the hon Member for the City of London divided itself into two points. The one was, whether pensions should be granted at all, and the other whether, if granted, they should be granted by the Crown? He would say one word of a preliminary nature on the second point. He was afraid there was a decided difference between the principle on which he was disposed to act, and the principle laid down by the hon. Member for London. That hon. Gentleman wished altogether to separate from the Crown of England the power, under just regulations, and under strict Parliamentary responsibility, of conferring any rewards. He wished on the contrary, that this power should attach inseparably to the Crown. Such a power must exist somewhere, and he thought it was consistent with our fixed monarchical principles of government, that the source of honour and rewards should be the Crown. He thought that such a power could be more safely lodged with the Crown, under Parliamentary responsibility, than elsewhere, and it was in accordance with the principles on which that House had on former occasions thought proper to act. Upon those principles there arose an irreconcileable difference of opinion between the hon. Gentleman and himself, and he thought that if the argument against the Crown was good for any thing, it must go further, and make all rewards, honours, and distinctions proceed from Parliament, and not from the Crown. The argument of the hon. Member, if it were good for any thing, went this full length, and the principle he advocated struck at the root of the monarchy itself. But the argument of the hon. Gentleman went farther. The principles of the constitution, as he understood them, regarded the Crown as the source of all honours and distinctions. But the hon. Member for the City of London called upon the House to affirm a principle with regard to the grant of rewards, which, if applied elsewhere, would be destructive of the best interests of the country. Would the hon. Member contend that Parliament should appoint the judges and all the other judicial officers who were now nominated by the Crown? If the hon. Member would make the Crown the source of other honours and distinctions, why attempt to deprive the Crown of the right of granting rewards of the description of these pensions. But he would come to the argument with respect to the question, whether pensions should be granted at all? He had endeavoured to show, that in point of economy the provisions included in the Bill before the House were such as to recommend themselves to their adoption. But there were other grounds on which he rested his economical argument. The hon. Member for the city of London had said, that he would exclude altogether superannuation allowances and rewards for retired public servants from his argument. The hon. Gentleman was very wise in so doing. There were many cases in which rewards for public services might be safely and properly given as pensions granted under Parliamentary responsibility, which would not come under the strict rules applicable to ordinary cases of superannuation allowances. There were many cases in which the strict rules on which rewards were granted for wounds and public services would exclude persons who might have the strongest claims upon the gratitude and good feeling of the country. The effect of the hon. Gentleman's proposition would be to place them in this difficulty, that conceding a right to retired and superannuation allowances, these grants would be subjects of indefinite application, sources of infinite inconvenience and expense to the country. They had now in the pension list another fund from which public servants, subject to Parliamentary responsibility, might obtain those rewards which they could not and ought not to obtain under the strict rules of the Superannuation Act. If he had the list before him he could show innumerable cases of this description. The hon. Member for the city of London was himself a Member of the Civil List Committee, and he would take upon himself to say, that the hon. Gentleman would admit, that the Committee had had before it many cases of this description. The hon. Member said, that he wished that a line of distinction should be drawn between those pensions which were granted for scientific and literary attainments, and those which were granted from charity. He admitted that the class of argument which applied to the one and the other was essentially distinct. The hon. Gentleman said, that on the part of the scientific and literary world he was desirous that there should be no such thing as pensions at all; and the hon. Member gave as his reason, that he apprehended that these rewards would be given for the purpose of influencing the opinions of authors or men of letters. Now, he did not think it possible for any individual in these days to suggest such motives or consequences. Did any man think that such motives would apply to the name of Mr. Dalton. Did the right hon. Baronet (Sir Robert Peel) hesitate for a moment to grant a reward to Professor Airey, or did the right hon. Baronet inquire beforehand into Mr. Airey's politics. Or was the reward withheld from that Gentleman because he had happened to hold entirely opposite opinions to the right hon. Baronet. If he was not entirely in error, he knew not whether he had been misinformed, but respecting one pension which had been brought into question early in the present Session, namely, the pension granted to Mr. Moore, he believed that expressions of the greatest kindness had been used by the right hon. Baronet, who had stated, according to report, that if that pension had not been already granted he should not have been indisposed to have taken into consideration the claims, the genius, and the talents of Mr. Moore. He knew not whether that statement were true, but this he did know, from the evidence of the papers before him, and the facts that had come to his knowledge, that whether Mr. Moore were a Whig, or Mr. Southey a Tory, whether Mr. Wordsworth or any other distinguished person had been in question, no Minister would be base enough in the days in which we lived to make a selection on a reference to the politics of the parties; and, if a Minister had been base enough, he would not have been fool enough, to commit himself to such a prostitution of the power reposed in him. But he must say, that he had a better opinion of the character of literary and scientific men than the hon. Gentleman. He believed, that if any Government were so disposed to prostitute its power, there was a spirit in literature and science which would not allow literary and scientific men to be insulted, or their talents to be disgraced by their being turned to such a miserable purpose of political profligacy. Did any one ever ask what were the politics of Dr. Johnson? [*"Hear, hear!"* from Mr. *Wakley*.] The hon. Gentleman must have means of information from which he was excluded, if he had reason to believe that the pension which was given to Dr. Johnson was at all given on political grounds. Why, Mr. Fox, who was as good a judge of literary merit as of politics, objected to the grant it is true, and said it was a disgrace to the Ministry to propose it, but he objected on the ground that it was an insufficient reward for the great philosopher's literary labours, and declared that the grant ought to be doubled if given at all. With respect to service pensions, it had been attempted to draw an analogy between these grants and the system of relief under the Poor-laws. Such an analogy was wholly untenable. The relief granted under the Poor-laws was not a return for public service, but a contribution for the relief of the pauper's necessities. If the analogy which the hon. Gentleman who used this argument set up, could be maintained, he ought to apply it further, and declare that in every case where an officer or public servant received a service pension, whose family or relations were rich or well off, the pension should be withdrawn. With respect to the pensions given as bounty, the hon. Gentleman said, that they had always been abused. He did not deny that this had been at times the case; but what was now the object of the House in legislating upon the subject but to prevent abuse for the future? But the hon. Gentleman said, he would not have any grant at all for bounty, but only as the reward for public service, and that these rewards should be voted by Parliament. He doubted whether the power would be well exercised. The country would not gain by the change. He asked the hon. Gentleman to compare the case of Captain Ross, rewarded by Parliament, with that of many of the pensions granted under Parliamentary responsibility, and he would say that this would furnish one of the best tests of the value of the two precepts. It was a case of claim, but one in which the Crown would not have made any grant without inquiry; but so eager were the House of Commons to grant that gallant officer relief, that it actually made the grant before the publication of Captain Ross's book, and left the public afterwards to judge of its propriety. That case showed the liability of the House of Commons to commit abuse, if the appointment of pensions were vested in its hands. But though he entirely denied that the House of Commons was the best authority to bestow these grants, he admitted that it was the most fitting tribunal to judge of the conduct of Government in administering them. Let the House recollect that it was to have all in the way of supervision that it could require; the pension list would be laid before Parliament every year, when the House would be able to object to any one grant which it did not think justified by the circumstances of the case. If the House were to exclude the clause for the very limited grant which he proposed, it would be for the first time in the history of this country that its Sovereign would be left without the means of rewarding personal or public service, or literary and scientific merit; the Crown would thus be deprived of one of its highest and most graceful prerogatives. Let not the House of Commons, whilst it made ample provision for the comfort and splendour of the Crown, deprive it of the means of rewarding desert, and marking its sense of great literary acquirement and meritorious enterprise. It was upon the grounds which he had stated that he should oppose the motion of the hon. Member for London.

Sir *R. Peel* should vote against the motion of the hon. Member, because he conceived its object to be to deprive the Crown of the power which it at present possessed of rewarding merit and honourable personal distinction. At the same time he would not say that the proposal of the Chancellor of the Exchequer was altogether satisfactory. The first objection which he entertained to the right hon. Gentleman's proposal was, that the sum of 1,200*l*. a year which it was proposed to grant to the Crown for this purpose was too scanty. This was his opinion at the outset; and when the right hon. Gentleman went on to inform him that at the end of twelve years a saving of 30,000*l*. would be effected by the dropping in of lives in the present pension list, that opinion, that the proposed sum was too small, became confirmed. At the same time he admitted that the principle of granting a fixed sum was a good one, provided the grant was a liberal one. The granting of a pension depended in a great measure upon the means in the hands of the Crown to pay it, and where the means of so doing were, as in the reign of William 4th, contingent upon the falling-in of existing pensions, it would often happen that at the time when there were the most calls for grants of this kind there were no means of making it, whilst at other times the Crown would have more abundant means at its disposal than the occasion of the day required. He thought, therefore, that a fixed sum, provided it was of such an amount as to be a fair equivalent for the means already at the disposal of the Crown, would be an improvement. But he must say again that he considered the sum of 1,200*l*. a-year too small when it was considered that out of it were to be provided all the pensions for the three great divisions of the kingdom. There was another feature also in the plan of the Chancellor of the Exchequer of which he disapproved, namely, that in any year if the Crown did not grant pensions to the full extent of the 1,200*l.* it was not to have at its disposal the residue for the ensuing year; but that in no year the Crown was to grant more pensions than to the amount of 1,200*l.* He must say, that he thought it would be better not to limit the discretion of the Crown in this way, as it must naturally occur that in some years there should be more proper occasions for the bounty than in others; and the object of Parliament in affixing a limit at all would be fully answered by providing that the grants of the Crown in pensions should not exceed an average of 1,200*l.* a-year, taking one year with another. He trusted, therefore, that this part of the Bill would be reconsidered, and altered in a way, as he thought, tending manifestly to the public advantage. The next objection which he had to the plan of the Chancellor of the Exchequer was the proposal to call upon the Crown to lay upon the table of this House every year a list of the pensions granted by virtue of this bill. There were some hon. Gentlemen in the House who really did not seem to be at all disposed to be satisfied with any arrangement whatever on this subject. They first made a regulation to govern the Crown in the distribution of all future pensions, a resolution to which the Crown had shown every disposition to adhere, and which it had hitherto acted up to most implicitly. Yet with this regulation the very hon. Members who assisted in passing it were now finding fault. When the Chancellor of the Exchequer spoke of their bounden duty to preserve the monarchical prerogative in the distribution of these bounties, he wondered that he did not premise that the very arguments which he used bore directly against his own proposition. The fact was, that the right hon. Gentleman, in his anxiety to conciliate both sides of the House to his scheme, had necessarily been betrayed into inconsistencies which would hardly escape observation. When the right hon. Gentleman, addressing his own friends behind him, said that the House of Commons ought to exact a yearly statement from the Crown of the manner in which it had disposed of the sum of money granted to it by this act of Parliament, he wondered that the right hon. Gentleman did not perceive that such an exercise of authority would almost amount to a veto upon, if not actually to a directional power over, these bounties. The right hon. Gentleman declared that the Crown was the fountain of honour and favour; and that being the case, he could not see that the prerogative of the Crown applied more directly to one than to the other, yet what would the right hon. Gentleman say if it were proposed to make the Crown give in a return to this House of all the titles and honorary distinctions which it had conferred from year to year? Would not this be objected to as a pretence on the part of this House to exercise an inquisitory authority over the exercise of the royal prerogative? He was aware that returns of pensions in existence had been given from time to time; but this was at particular periods, and upon a requisition made either when they were about to legislate upon the subject of the civil list, or when a strong feeling of jealousy or misgiving existed as to the application of these funds. But he thought there was a very clear distinction to be drawn between an occasional return of this kind, and a yearly legal presentation for the purpose of challenging inquiry into the acts of the Crown. He must confess that when he heard the speech of the right hon. Gentleman he was very much surprised at hearing him make use of observations so very contrary to what he had been accustomed to hear come from that side of the House. It only showed what rapid changes they had to expect from that quarter; and they ought not to be at all surprised if seven years hence they were to see a proposition emanate from the right hon. Gentleman's party to take away all power to grant pensions from the Crown, and to vest it entirely in the House of Commons. He had already said that he considered the grant of 1,200*l.* far too limited for the proper exercise of the royal prerogative in the rewarding literary and civil merit. This was his opinion, and he predicted that the country would participate in it before very long. What would be the consequence? The feelings of the country would revolt at seeing men who had devoted their talents and their energies to the prosecution of literary and scientific pursuits, for the practical benefit of the community, languishing in distress and want. The Crown would be applied to for succour, but applied to in vain; for, with every disposition, it would not have the means to grant a pension so loudly demanded by all the dictates of humanity, of gratitude, and of sound policy. What would be the case then? The House of Commons would have to step in and avert the consequences of an error of which it had been guilty, but at the same time take to itself the merit of the grant, to the obvious disparagement of the Crown. All this might not be the consequence of a premeditated step towards republican principles; the desire might not perhaps now exist to establish the power of the House of Commons on the ruin of that of the Crown; but as the power to grant bounties must be exercised, and must rest somewhere, so if this grant in the hands of the Crown be now so restricted, that power must eventually be taken out of the hands of the Crown altogether by the House of Commons. Having expressed his opinion that the proposition of the right hon. Gentleman, limited as it was, was fraught with dangerous consequence to the monarchical principle, he should proceed to another branch of the subject. He must say that it was rather extraordinary to find hon. Gentlemen who formerly required that all bounties should be confined to rewarding literary or scientific merit, and who caused a resolution to be passed to that effect, should now be quarrelling with their own regulation. The hon. Gentleman opposite said, that giving a reward to a meritorious individual was a very invidious proceeding, and calculated rather to give offence than otherwise to the other Members of the same class. Now, this he must be allowed to say was a most extraordinary argument. Why, what used to be said of this country in comparing it with surrounding nations? Was it not said that despotic nations rewarded science, and selected eminent scientific and literary men, anxious to pay them a just compliment, whilst they also afforded them a substantial reward? See what despotic Governments did—they rewarded science—they selected eminent men—and were anxious to pay a compliment to them by conferring upon them some substantial reward. The argument of the hon. Member was conclusive against Sir Walter Scott being made a baronet, because it applied equally to granting a dignity as a pension. Doubtless the hon. Gentleman would say that the honorary distinction cost nothing, while the pension would put the country to the expense of 300*l.* a year. It was the *argumentum ad pecuniam* which seemed altogether to influence the hon. Member's views. He always thought that when a literary man of eminence was selected for royal favour that the whole class was elevated and complimented in that act. He well recollected what was said over and over again on the former debates on this subject, that by granting pensions too exclusively to persons connected with the military profession or with politics, those two classes of public characters were elevated into undue importance, to the disparagement of meritorious conduct in other useful pursuits. It was then that a resolution was passed for rewarding literary merit and scientific acquirement; and now that this resolution was being faithfully acted upon, the hon. Gentleman complained that by rewarding members of the literary profession with pensions literature itself was degraded, and some members of it have cause to complain of an invidious selection having been made for the royal bounty. Then it appeared that the real ground of complaint now was, not what it was formerly, that literary merit was not rewarded, but that it was rewarded. In other words, hon. Members quarrelled with their own resolution. In his opinion it was proper that literary and scientific men of merit should receive the occasional aids which they required, and be honoured with the conventional distinctions which were established in a monarchy—he thought that these rewards should be conferred only by the Crown; and that unless there was suspicion of abuse in the exercise of the power of the Crown, it should not be questioned by that House; still less should those rewards and distinctions be conferred by the majority of that House. On those grounds he should, as he had before said, oppose the motion of the hon. Member for London.

Mr. *Clay* should vote for the hon. Member for London's proposition, because he thought that on the authority of the Committee on the civil list, at the commencement of the last reign, the pension list ought to be separated entirely from the civil list of the Crown, and because he thought that the proposition for granting 1,200*l.* a-year to the Crown for new pensions was an injudicious, a crude, and an improper one; involving the Crown in much difficulty and responsibility, in its exercise of which it might entail upon itself much of public odium and disappointment. At the same time he begged to be understood that he could not go along with his hon. Friend (Mr. Grote) to the full extent of his argument, and say that no pensions should be granted except by this House; still less was he prepared to say that no pensions ought to be granted at all. On the whole, he thought that there was much indiscreet haste in bringing forward this proposition at the very moment when a Committee was sitting on the subject. He thought that at least such a grant should have been withheld until that Committee had made its report. With regard to giving the right to the Crown of granting any pensions at all, he was not prepared to affirm that there were no conceivable circumstances under which the Crown, as the fountain of honour, should not have the power of bestowing pensions. He maintained that there might be a certain combination of circumstances under which no rule *a priori*, could be made to determine what was the privilege which the Crown should enjoy in remunerating eminent public services. He was, however, quite averse to the proposition for allowing such a power to be reposed in that House. A popular assembly never wisely interfered with the distribution of patronage; and no instance could be found, either remote or proximate, in the history of that House, by which it could be proved that Parliament ever wisely performed the appropriate duties of the executive. If there was any privilege with which that House could be less wisely and advantageously intrusted than another, it was, beyond all doubt, the power of originating money grants to individuals. An assembly such as the House of Commons was too much governed by impulse for the just exercise of such a right. The course of their proceedings, he feared, would be this: that, under certain circumstances, they would give a great deal too much, whilst under the influence of other considerations, and swayed by some feelings of the moment, they would be tempted to neglect public services of the highest order. The temper in which a popular assembly would grant pecuniary remuneration to individuals was, he thought, well illustrated in an expression used in the celebrated character of Yorick. He was represented to have said, when touched with compassion for the sufferings of an individual, "that he gave him all the money in his pocket." He did not inform the reader what was the exact amount, but in giving his reflections on it afterwards, he said, "that he considered it at the time much too little, but he since deemed it a great deal too much." Such he was convinced was the spirit in which a popular assembly would act, if invested with the power which was contemplated. With the limitations which he had laid down, he should give his support to the motion of the hon. Member for London. He held himself at perfect liberty, when the report of the Committee for inquiry into this subject was laid before the House, to support a resolution for granting a specific sum annually for this object out of the consolidated fund, nor was he at all sure that it ought not to be a larger sum than the 1,200*l.* a-year then proposed. He looked upon that sum as either too much or too little; and that the grant proposed by the present Bill was hasty without the report of the Committee.

Sir *R. Inglis* differed from the hon. Member who introduced, as well as from the hon. Gentleman who on very distinct grounds had just spoken in favour of, the amendment. He could not concur in the opinion that the sum which the Crown now received for this purpose, could be found too large, though he was quite willing to join with him in the conjecture that it might be too small. The first words which he had heard from the hon. Member for London, as he entered the House, were grounded on the proposition that as the Crown was, according to the popular maxim, considered the fountain of honour, that House should also be viewed as the fountain of special pecuniary reward. His right hon. Friend, the Chancellor of the Exchequer, with great consistency in argument, but very inconsistently in conduct, asked the hon. Member for London this question:—"If we concede to the House of Commons the privilege which you require, with what colour afterwards can we deny that it must also be looked upon as the fountain of honour?" He understood the hon. Member for London to assent to that conclusion. [Mr. *Grote:* No!] He certainly understood the hon. Gentleman to have concurred in the view suggested by his right hon. Friend, the Chancellor of the Exchequer. Giving the hon. Gentleman, however, full credit for his denial, he still conceived that any other conclusion at which he might arrive was imperfect; and that if he maintained that the House of Commons should exercise an exclusive control over the expenditure of money for compensating individuals who had contributed to the public service, there was no reason why it should not also preside over the distribution of honours. Then came the admission which the hon. Member for the Tower Hamlets had made, that the bounty fund of the Crown ought to be increased; but that it should be disbursed, not in the shape of pensions, but of alms. What were stated alms but pensions? It appeared to him that the wisest course would be to leave the Crown unfettered in the disposal, not only of this 1,200*l.* a-year, but of the larger sum under this head. They had diminished the amount of the income of the Crown by taking away the hereditary revenues, and after having deprived the Sovereign of one half of the funds irresponsibly distributed, they required that an account should be rendered of the whole amount which was now received. They were not justified in holding out to the Crown the semblance of free agency, whilst its revenues were periodically subject to the revision of that House. He trusted that some Member—he hoped it would be his right hon. Friend near him (Sir Robert Peel)—would move that this clause should be altogether omitted. Parliament was not a tribunal which ought to decide the mode in which a sum once settled upon the Crown for such purposes ought to be divided; it should be left to the determination of the Crown itself. It was a mockery of the prerogative of the Crown to have its income first granted, and, then, its disbursements subjected to the controlling power of Parliament. It tended to add to the growing power of the House of Commons, and to place the present Sovereign in a more invidious position than that of any one of her predecessors: and it was a proposition which certainly ought not to come from Ministers of the Crown when that was in the possession of one who was necessarily less acquainted with the precise extent of its rights and privileges than most of her predecessors. He believed that the country would have sustained the Ministry in upholding the just privileges of the Crown: but they took a course which satisfied neither party, and yielded the principle without remedying what was considered by some of their supporters a practical grievance. The hon. Member for London was against any pensions, and was equally opposed to the grant of 1,200*l.* a-year as to one of 12,000*l.* He, himself, on the other hand, felt that Ministers had conceded a principle when they first granted to the Crown a particular sum, and then required an account of its application. Looking with no feeling of approbation on the general proposition, he still felt bound to prefer it to the motion of the hon. Member for London.

Mr. *Charles Buller* said, he felt bound to take a part, though he did so reluctantly, from an indisposition to trespass on the attention of the House in this discussion, because he was compelled to vote against those with whom he was in the habit of acting, and he wished to convince them that it was from no unworthy motive that he at present opposed them; but that his opinions, however erroneous, were taken up with sincerity, and were the subject of much reflection. He wished in the first place to state, that of all those who had spoken on this question, he most agreed, indeed, he might say that he almost entirely concurred with the right hon. Baronet, the Member for Tamworth. He did not think there was any great force in the special argument used by his hon. Friend, the Member for London, and it struck him that the views of the hon. Member for the Tower Hamlets (Mr. Clay) were contrary to the general principles which influenced his vote. He admitted, that if the amount of pensions had not been reduced to a large extent, the argument would be, that they should be stultifying their own vote for inquiry if they resolved to grant the same, or almost an equal amount as that now submitted to the Committee. If the labours of the Committee led to any important results, it was probable that some portion of these pensions would be found to be misapplied, and that a reduction to that extent ought to be made. But when he heard the statement of the right hon. Gentleman, the Chancellor of the Exchequer, which had not been rebutted or even touched upon by any hon. Member who had spoken, that the enormous reduction had been effected in the amount of pensions from 75,000*l.* to 40,000*l.*, he felt that such a diminution must exceed anything which the Committee could effect. He could not conceive that a Committee, admitting the principle of granting pensions at all, could come to the conclusion that 40,000*l.* could not be usefully employed for such a purpose. He was of opinion that the fear of making too great changes, and shaking public opinion too much, would fix the reduction which had been made, as one large enough for the demand of the country. He could not but recollect that seven years ago the Crown of England had the unlimited disposal of 150,000*l.* and that that grant was cut down to 40,000*l.* with strict and annual responsibility. He did not agree with the assertion that the proposed 1,200*l.* a-year was too small an amount, though he fully concurred in the opinion that the distribution of pensions should not be correspondent to that amount in any particular year. The result of this resolution would be that the full amount being given to be applied to each separate year and carried over to no other, unmerited pensions would be granted in order to expend the whole sum of 1,200*l.* a-year. But his hon. Friend, the Member for London, objected altogether to the principle of granting pensions by the Crown. He wholly differed from his hon. Friend, because he conceived it was a power which should be reposed in some authority in this great and civilised country. He thought it desirable that men of letters should be fostered by the Government when labouring, not for popular applause, or for the sale of works of the day, but that their spirit should be sustained whilst contributing to the advantage of posterity, without receiving the recompense of popular favour. If they looked to the authority of those who had done the most friendly services to, and conferred the greatest benefit upon, posterity—if they went back to history, they would find that of all those who had implanted the impress of their own thoughts on future generations, there had not been one who was not supported by the bounty of the Crown or of individuals. He might give the challenge to produce any great name in our literature, from Chaucer down to those of our own time, and ask whether there was any considerable portion of them who were not supported by regal or individual generosity. Let the House look to those who were maintained by the Earl of Essex and by Queen Elizabeth, as well as by the dissolute and worthless Charles 2nd, whose pleasure, interest, and taste it was to cherish literary excellence. Let the House look to the munificence of our nobility. He must confess that he was afraid the spirit which formerly actuated the nobility was passed away, or at least that public feeling was so altered that men of eminence would not brook to receive the bounty of an individual. He was afraid that such a philosopher as Hobbes would be loathe to confess that he lived on the bounty of an Earl of Devonshire, or that the free and independent spirit of such a man as Locke would never consent to be looked on as supported by an Earl of Shaftesbury. One of the brightest ornaments to the pension list was Dr. Johnson, who when party spirit ran most high, did not disdain to receive the bounty of the Crown. Nothing could better illustrate the doctrine of bestowing the bounty of the Crown on those who applied their genius to the benefit of posterity than the comparison between the pursuits of the two eminent men Messrs. Dalton and Wollaston. The first applied his powers to extending the limits of science, whilst the other felt it his interest to engage in practical discoveries, which was not the fittest occupation for so great a mind. He was convinced also that public remuneration ought not to be confined to great men, and that such characters as Lord Chatham and his descendants should be alone—he might say profusely—provided for. Was it proper or decent that great merits only should be regarded, and that such individuals as Colonel Stewart, whose services were perhaps equally useful, should be neglected, and their children left without any remuneration? If a proposition were made in that House for giving some reward to Colonel Stewart, scarcely any one would be found amidst the turmoil of party contention, to recognise his claims on the public generosity. Well, then, this was a case in which the power vested in the Crown might be most beneficially and judiciously exercised. According to the spirit of every wise constitution such a privilege should be confided, not to a representative assembly, but to the executive. He knew not of what use an hereditary executive or any executive at all was, if it were not better adapted to decide, by its individual discretion such matters than if they were trusted to the judgment of a numerous assembly. At the present moment, when it was desired to introduce a new system, and when a check was to be put to jobbing, it was wise, for some time at least, to have these matters made the subject of annual investigation. He must confess, however, that the best course would be to postpone passing judgment on these grants until after the lapse of a considerable time. He did not consider the time at which they were given the best for determining the merits on which they were founded, biassed more or less as they must be by the expressions of popular favour, or the animadversion of the day. It would, perhaps, be best to have the pension list revised at certain periods—say on the accession of every monarch. He was certainly favourable, for the reasons which he had stated, to establishing annual returns of the pensions granted at the present time; but he must protest as strongly as any hon. Gentleman at the opposite side of the House against making that House the arbiter of individual claims to the public bounty. Such a change must lead inevitably to a system of jobbing, of profusion, niggardliness, and unwise distribution of patronage which would produce a deplorable waste of the public money, and be attended in all respects with the worst possible consequences to the country. He really believed that it would often happen that the best pension would be that which was least favoured by the opinion of the day. It must be recollected that there was no pension which excited more animosity than that conferred on Dr. Johnson; and yet we looked back to that just tribute to the unquestioned abilities of a great man without any prejudice as to his support of the American war, but a firm conviction that it proved the discernment of a government in enabling a powerful mind—whose opinions, though they might be considered erroneous, must be admitted to have been consistent and comprehensive—to keep its energies alive, and to labour for the instruction and advantage of posterity. He must refer to an instance in their own times, which proved the truth of the proposition which he had laid down. He alluded to the pension of Mr. Coleridge, which had been granted by Lord Grey's government, and which reflected great credit upon it. Of all those who had contributed to the literature or philosophy of the country, the opinions of half the thinking men of the present day were more influenced by the writings of Coleridge than those of any other individual, but at the same time he was very obnoxious to a particular party, and the consequence was, there was a greater outcry raised against his pension than almost any by which it had been preceded, and it was in consequence withdrawn. Against the allowances given to Mr. Wordsworth and Mr. Southey a most illiberal outcry was raised, which, in conjunction with the disapprobation expressed in the case of Mr. Coleridge, proved to him that public opinion was not always exercised for the benefit of the community or for the promotion of the interests of science. It had been said that this power of granting pensions might be converted into a means of bribing literary men. Now, in the first place he did not consider that influence the most dangerous which they had to fear. He thought there was much greater danger that literary men would for profit flatter the passions of the multitude than that they would be subservient to the interest of the Crown. By such a course, too, they would be likely to acquire a larger portion of that honour to which all superior minds aspired, namely, the good opinion of their fellow-creatures. But was it prudent to deprive the Crown of the means of direct corruption while there was left to it the power of effecting that object much more effectually? If it were really the object of the Crown to corrupt Mr. Wordsworth, it had the power of doing so much more effectually by giving him the situation of stamp distributor than by selecting him as the recipient of a pension which must attract public attention. It appeared to him that the danger of corrupting literary men did not apply to the pension list when there were so many modes of accomplishing the same object. It had been remarked that pensions were sometimes given as a compliment, without reference to the wants of the individual. Now he looked upon the power of granting pensions as one of the most important trusts which could be confided to the Crown. The Crown was enabled by it to render great and immortal services to posterity by fostering that species of ability which was most worthy of protection. The pension which appeared to him in this light to be the worst since the new system had been established, was one which had been given at different intervals by the Government of the right hon. Member for Tamworth, and that which had succeeded it—he alluded to the allowance made to Mrs. Somerville. That lady, he understood, was in perfectly easy circumstances, and her husband received large salaries from offices which he held under the Government. However meritorious her researches might be, and no one wished less than he did to depreciate them, they were confined to the acquirement of branches of learning to which her sex had not aspired, and no one could undertake to say that they added anything to the stock of human knowledge or enlarged the bounds of science. Such a waste of money was to be the more deplored when he recollected the circumstances under which that grant had been made. He could not but consider that allowance a cruel perversion of the application of the fund, when he reflected that Dr. Wallace, the professor of mathematics in the university of Edinburgh, who next to Ivory, was the best scientific scholar this country had produced in the present century, and who had spent his life in writing books of great value and in teaching, was refused a pension when he found himself reduced to poverty in his old age. He was very much obliged for the attention which the House had given to him whilst explaining his views on this subject, upon which he felt constrained to dissent from those to whose judgment he was accustomed to defer, and in whose principles he mainly agreed. He must, however, give his assent to a mode of rewarding literary merit which, if not the most wise and honest, was more so than any other means which the constitution afforded.

Sir *Ronald Ferguson* begged to correct an error into which the hon. Member for Liskeard had fallen as to the circumstances of Mrs. Somerville. Her husband was physician of Chelsea Hospital and if he were to die, his wife would be left without a farthing.

Mr. *F. Baring* had followed the hon. and learned Member for Liskeard through his admirable and ingenious comments on this subject, and he could not help thinking that the manner in which the hon. and and learned Gentleman had canvassed the peculiar merits of particular individuals, would tend to illustrate what might be the course of argument and discussion if the House were to grant these pensions and not the Crown. The hon. Gentleman, though not intending to be offensive must have felt that the allusions made to Dr. Wallace and Mrs. Somerville were objectionable. Perhaps he might be allowed to give some explanation of two of the cases which had been mentioned He meant only to justify the course which the Government pursued, and not to dwell on individual merits. Dr. Wallace was refused a pension because, when an application on his behalf was made, there was no vacancy on the list; and he was very much misinformed if that Gentleman had not received out of the pecuniary means of the Crown the same amount as he would have received had there been an opportunity for giving him a pension. With regard to Mr. Coleridge, he was placed on the list of pensions granted by George the Fourth to literary men. At the death of George the Fourth these allowances dropped, and were not renewed in the succeeding reign, but the recipients were continued on the pension list for the amount which they had previously received, when vacancies occurred. Mr. Coleridge's pension had not been withdrawn, if he recollected right, but the offer of it from Lord Grey to Mr. Coleridge was declined by that Gentleman, or by his friends in his name. It had been asserted that the sum of 1,200*l.* a-year was too small; but the Government could neither be blamed nor praised for the reduction, for it had been made at the suggestion of a Select Committee. The right hon. Baronet had objected to the names of the parties receiving pensions being laid before the House; and it had been further urged that they ought not to interfere in this matter, because they did not examine into the cases of persons who were promoted in the public service, or who received honours, and because their names were never laid upon the table of the House. But the names of all persons receiving such promotions and honours were published to the world in *The London Gazette*, and by other means, and the public could judge of their merits. In Mr. Burke's bill relative to the pensions certain checks upon the indiscriminate grant of pensions was shadowed out, and the Government was bound to take care not to break through them; but distress and good deserts were expressly stated to be good grounds for granting them, and the House would have to say whether the intentions of the Legislature had been fairly carried into execution. The practical working of the proposal to lay the names upon the table would be, not to raise a discussion upon the individual names, but to check the profuse grant, to cause a strict examination into the merits of the original claim, and to place a severe control over the Government.

Mr. *Hawes* was anxious to state why he differed from his hon. Friend the Member for the City of London, and to state why he should pursue the same course in the House as he had pursued in the Committee. He fully agreed in the sentiments expressed by the hon. Member for the Tower Hamlets. In his view of his hon. Friend's motion, it did not raise the principle whether pensions ought to be granted by the Crown or not; for if it did he (Mr. Hawes) should certainly give it is support; but all that he did was, to say that the annual sum of 1,200*l.* should not be charged on the civil list, such a sum being equivalent to the annual average of pensions now dropping in; and as his hon. Friend did not affirm the general principle, he could not see the utility of his proposition.

Mr. *Warburton* thought, that great injustice had been done to his hon. Friend the Member for the city of London by the manner in which this question had been treated. It had been argued as if there were no other means of paying these pensions except by the present grant. It had been forgotten that besides the privy purse of 60,000*l.* a-year, there was an unappropriated annual sum of 8,000*l.* Now, his (Mr. Warburton's) conviction was, that the avowed object of the grant of this pension list of 1,200*l.* a-year, namely, that it was destined for the assistance of literary and scientific men, was a bad one, because it would interfere with the independence of the literary and scientific character. On political grounds he thought that a pension granted on the grounds formerly held tenable, and subject to the observations which were made on the old list, was a much less evil than a pension granted on the grounds now suggested. The old pensions were granted to great families, who were already so corrupt that it might fairly be said, that they could not be further corrupted. It was not thought an honour to be on that list, but the very reverse; and literary and scientific men looked with discredit upon the insertion of their names in it. And he thought that those individuals ought still to depend upon their own exertions, and ought not to look to the patronage or be subject to the control, of any Government.

Mr. *Grote*, before the House proceeded to a division, begged their indulgence whilst he explained one or two points which seemed to be misapprehended by hon. Members. His hon. Friend, the Member for Lambeth, seemed to think that the motion was nothing more than a transfer of the payment of the 1,200*l.* a-year from the civil list to the consolidated fund; but it was not so; all he moved for was, that the power of granting pensions to this amount annually should be struck out of the Civil List Bill, and if any hon. Member then chose to move that they should be charged on any other fund it was perfectly competent for him so to do. He (Mr. Grote) had not stated what his opinion of the abstract question was; he did not even propose to pledge the House on the question, whether the same amount ought to be granted or not—all he did was to expunge it from the present bill. The right hon. Baronet the Member for Oxford University had stated that, from the tenor of his (Mr. Grote's) arguments, he gathered that he was hostile to the grant of all honours by the Crown. He had no objection to any inference to which hon. Gentlemen might think that his arguments might lead; he would not pronounce any opinion upon this distinct question which was not before the House; and the only point which he wished them to affirm or reject was, "whether the House ought or ought not to create a public fund, by the taxation of the people, to be at the disposal of the Crown, or as a means of patronage in the hands of the Government of the day." This was the proposition which he was anxious that hon. Gentlemen should decide in the affirmative or the negative, and he had only to observe again, that the propriety of the grant of honours by the Crown formed no part of the question.

The House divided on the question, "That the words proposed to be left out stand part of the Bill:"—Ayes 125; Noes, 23:—Majority 102.

List of the AYES.

A'Court, Captain
Adam, Sir C.
Alsager, Captain
Anson, hon. Colonel
Baker, E.
Baring, F, T.
Barnard, E. G.
Barrington, Viscount
Beamish, F. B.
Bentinck, Lord G.
Bernal, R.
Blair, J.
Brotherton, J.
Browne, R. D.
Buller, C.
Byng, G.
Callaghan, D.
Castlereagh, Viscount
Cayley, E. S.
Chapman, L.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Dalrymple, Sir A.
Darby, G.
Denison, W. J.
D'Eyncourt, rt. hon. C. T.
D'Israeli, B.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, Viscount
Duncombe, T.
Dundas, F.
East, J. B.
Easthope, J.
Ebrington, Visct.
Eliot, Lord
Elliott, hon. J. E.
Ellis, J.
Erle, W.
Ferguson, Sir R.
Ferguson, right hon R. C.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, P. H.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, James Milnes
Gladstone, W. E.
Goddard, A.
Godson, R.
Gordon, R.
Grey, Sir G.
Grimsditch, T.
Hardinge, rt. hon. Sir H.
Hastie, A.
Hawkins, J. H.
Hay, Sir A. L.
Hayter, W.
Henniker, Lord
Hobhouse, ri. hon. Sir J.
Hobhouse, T. B,
Hope, G. W.
Hope, H. T.
Howick, Viscount
Hughes, W. B.
Hutton, R.
Inglis, Sir R. H.
Irving, J.
Knight, H. G.
Labouchere, H.
Lambton, H.
Lefevre, C. S.

Lennox, Lord G.
Loch, J.
Lockhart, A. M.
Lucas, E.
Mackenzie, T.
Macleod, R.
Macnamara, Major
Maher, J.
Melgund, Viscount
Mildmay, P. St. J.
Murray, J. A.
Muskett, G. A.
O'Connell, M. J.
Paget, F.
Palmerston, Visc.
Parker, J.
Parker, R. T.
Pechell, Captain
Peel, Sir R.
Polhill, F.
Ponsonby, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Rice, T. S.
Rich, H.
Rolfe, Sir R. M.
Rose, Sir G.
Russell, Lord J.
Seymour, Lord
Sheppard, T.
Sibthorp, Colonel
Smith, J. A.
Smith, R. V.
Staudish, C.
Steuart, R.
Steuart, J.
Steuart, I.
Stuart, Lord J.
Strangways, J.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Thompson, C. P.
Tracy, H. H.
Vere, Sir C. B.
Wall, C. B.
Wilberforce, W.
Wilshere, W.
Yates, J. A.
Young, G. F.

TELLERS.

Stanley, E. J.
Wood, Mr. H.

List of the NOES.

Aglionby, H. A.
Chalmers, P.
Clay, W.
Dennistoun, J.
Fielden, J.
Finch, F.
Hall, B.
Hawes, B.
Hindley, C.
Holland. R.
Humphery, J.
Jervis, S.
Leader, J. T.
Lushington, C.
Marshall, W.
Molesworth, Sir W.
Phillpotts, J.
Salwey, Colonel
Vigors, N. A.
Wakley, T.
Warburton, H.
Whalley, Sir S.
Williams, W.

TELLERS.

Grote, G.
Hume, J.

Sir *Robert Peel* rose to move an amendment. It had been argued in the Committee that the pensions should be regulated by a fixed annual sum, and not by a varying amount up to 75,000*l.* and a resolution had been moved to that effect. He adhered to the principles which were laid down by Lord Althorp in the year 1830, and had given his vote accordingly. He had, however, been overruled, and it was decided that the Crown should be enabled to grant an annual sum of 1,200*l.* He wished to move an amendment to that part of the Bill providing that if the whole sum were not granted in any one year, the remainder might be carried over to the next year, and then granted in addition to the 1,200*l.* allowed for that year. He might perhaps make his meaning more clear by supposing that the amount of pensions granted in one year was only 800*l.* which would be less by 400*l.* than the amount allowed by the Bill. He would in such a case carry that sum over to the next year to the advantage of the Crown, and empower the Crown to grant pensions in the following year to the amount of 1,600*l.* The intentions of the House would not be defeated by such an arrangement, because upon an average of years the annual sum granted would not exceed 1,200*l.*

The *Chancellor of the Exchequer* had no objection to effect the purpose intended by the hon. Baronet by adding the provisor to the Bill.

Mr. *Hume* hoped that the Chancellor of the Exchequer would not thus give way and yield to the suggestion of the right hon. Baronet, for if there were no meritorious individuals worthy of receiving in any year grants to the amount of 1,200*l.*, the public ought to have the benefit of the saving, and the surplus of one year ought not to be carried to the next.

Mr. *Wakley* was surprised to hear his hon. Friend the Member for Kilkenny use the word yield. The Chancellor of the Exchequer certainly had not yielded to the right hon. Baronet; the most perfect harmony existed on both sides of the House upon this question. He must confess that he with other hon. Gentlemen on that side of the House were most awkwardly situated —they ought, undoubtedly, to move to the other (the Opposition) side of the House; and if the right hon. Baronet, with his train of friends, knew their proper places, they would remove to the seats of those Gentlemen, who were really the opposition party, but had unfortunately been reduced by divisions sometimes to nineteen, sometimes to twenty, and had scarcely gone beyond twenty-one or twenty-two. If the Chancellor of the Exchequer meant to change the present wording of his own Bill he would lose all appearance of wishing to save the public money; he seemed afraid that the whole would not be expended; and so if for ten years no demand were made upon this fund, all the accumulation might be expended at once, so that not one farthing would be saved to the public. The question was, whether 1,200*l.* should be added every year to the already enormous grant of 385,000*l.* for the civil list for the purpose of bribing the literary and scientific men in the country nominally by the Crown; but it was absurd to say that the Crown would have any thing to do with the matter; the whole would be in the hands of the Minister of the day to grant to whomsoever he chose. The right hon. Baronet (Sir Robert Peel) seemed to enjoy the situation in which Ministers were placed, by doing the work of his party. The right hon. Baronet expected in a short period to have the distribution of the money, and of course, would not oppose the extravagance of Ministers, even when they went beyond what the right hon. Baronet would have ventured to suggest. The danger he (Mr. Wakley) feared arose from the circumstance that the people would allow the Whigs to do that which they would not hear of for one moment if it were proposed by the Tories. The consequence of this was, that one mischievous proposition after another was brought forward, and acquiesced in, with only nineteen or twenty Members voting in opposition to them. It was obvious that the Radical Reformers when they sat behind Ministers were sadly out of place. They would be as much so on the other side. The floor was their only proper situation; and he trusted that during the recess the Speaker would have the goodness to order a few cross benches to be placed for their accommodation.

Lord *John Russell* observed, that the question was not one of great importance; but supported the omission of the proviso. The hon. Member for Finsbury had done her Majesty's Government the honour of paying them a very high compliment. For he had said that whatever might be their propositions, they were sure to have the confidence of the House. He certainly felt this to be so high a compliment, that he scarcely knew how to find terms in which suitably to acknowledge it.

Mr. *Leader* contended for retaining the proviso. The noble Lord had misapprehended the observation of the hon. Member for Finsbury, which related to the confidence of only a portion of the country. He must say, that if the two large parties in that House had been differently placed; if the Gentlemen on the other side of the House had been on the Treasury benches, and if the Gentlemen on the Treasury benches had been on the other side of the House, the former would not have come forward with this measure so indecently, or with so little desire to give sufficient time for its consideration as the latter had done. And, above all, he was sure, that if the right hon. Baronet, the Member for Tamworth, had made a similar proposition from the Treasury bench, the noble Lord would have raised strong objections against the extravagance of the measure, in which case the opposition to it might have gone out with a number of 120 instead of 20.

Mr. *T. Duncombe* opposed the striking out of the proviso. It would give rise to a number of jobs and to much corruption in the granting of the pensions. He had voted with the majority in favour of the Bill, in the hope that her Majesty's Government would stand by its integrity. But it now appeared that they were disposed to acquiesce in a proposition which proceeded from the Tory side of the House. He hoped, however, that the House would stand by the integrity of the Bill, and would thereby rescue the Government from that vacillation which was so prejudicial to the country. It had been said by an hon. Gentleman, that her Majesty's Ministers had not given satisfaction to the Radical portion of the House ,and at the same time had alienated the affections of the opposite benches. This was the first time he had heard that her Majesty's present Ministers possessed the affections of the opposite benches.

Mr. *Hume* wished to ask the right hon. Member for Tamworth, if the House were not bound to adhere to the resolutions of the Committee on which the Bill was founded? Now, one of those resolutions declared that a provision should be made, enabling her Majesty to grant a sum "not exceeding in any one year 1,200*l.*" Ought not that to be conclusive? Why was the present motion not made in the Committee? Why was it reserved for the third reading of the Bill? Her Majesty's Ministers ought not to yield to the right hon. Baronet's proposition; but should do justice to their own purpose. He should certainly take the sense of the House on the question.

The House divided on the question—"That the words proposed to be left out stand part of the question:"—Ayes 26; Noes 114: Majority 88.

List of the AYES.

Aglionby, H. A.
Brocklehurst, J.
Callaghan, D.
Chalmers, P.
Duke, Sir J.
Duncombe, T.
Fielden, J.
Finch, F.
Grote, G.
Hall, B.
Hastie, A.
Hindley, Charles
Leader, J. T.
Lefevre, C. S.
Marshall, W.
Melgund, Viscount
Mildmay, P. St. J.
Molesworth, Sir W.
O'Connell, M. J.
Pattison, J.
Phillpotts, J.
Salwey, Colonel

Vigors, N. A.
Warburton, H.
Whalley, Sir S.
Williams, W.

TELLERS.
Hume, J.
Wakley, T.

List of the NOES.

A'Court, Captain
Adam, Sir C.
Alsager, Captain
Anson, hon. Col.
Baker, E.
Ball, N.
Barnard, E. G.
Beamish, F. B.
Bentinck, Lord G.
Bernal, R.
Blair, J.
Borthwick, P.
Buller, C.
Byng, G. S.
Castlereagh, Viscount
Clay, W.
Courtenay, P.
Craig, W. G.
Crawford, W.
Dalrymple, Sir A.
Darby, G.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, right hon. C. T.
D'Israeli, B.
Divett, E.
Douglas, Sir C. E.
East, J. B.
Easthope, J.
Ebrington, Viscount
Eliot, Lord
Elliott, hon. J. E.
Ellis, J.
Fergusson, R. C.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, P. H.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, James Milnes
Gladstone, W. E.
Godson, R.
Grey, Sir G.
Grimsditch, T.
Hardinge, Sir H.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Hayter, W. G.
Henniker, Lord
Hobhouse, Sir J.
Hobhouse, T. B.
Hodgson, F.
Holmes, William
Hope, G. W.
Hughes, W. B.
Humphrey, J.
Hutton, R.
Inglis, Sir R. H.
Irving, J.
Knight, H. G.
Lambton, H.
Lennox, Lord G.
Lockhart, A. M.
Lucas, E.
Lushington, C.
Mackenzie, T.
Mackinnon, W. A.
Macleod, R.
Macnamara, Major
Maher, J.
Morpeth, Viscount
Murray, rt. hon. J. A.
Paget, F.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Pechell, Captain
Peel, right hon. Sir R.
Perceval, Colonel
Polhill, F.
Ponsonby, hon. J.
Price, Sir R.
Pryme, G.
Redington, T. N.
Rice, right hon. T. S.
Rich, H.
Rose, right hon. Sir G.
Russell, Lord J.
Seymour, Lord
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, J. A.
Smith, R. V.
Standish, C.
Stanley, E. J.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Thomson, rt. hn. C. P.
Tracy, H. H.
Vere, Sir C. B.
Wall, C. B.
Wilberforce, W.
Wilshere, W.
Wood, C.
Wood, T.
Yates, J. A.
Young, G. F.

TELLERS.
Baring, F. T.
Labouchere, H.

Mr. *Chalmers* moved the omission of the 15th Clause, which provides "that it should be lawful for the Lord High Treasurer, or the Commissioners of the Treasury for the time being, or any three or more of them, to direct the issue out of the Consolidated Fund, to such person or persons as shall be named in any warrant or warrants under their hands to receive the same, the sum of 10,000*l.* in each and every year, to be applied to the same purposes and under the same authority as the sum of 10,000*l.* per annum formerly charged upon the fourth class of the civil list for home secret service has hitherto been applied."

The *Chancellor of the Exchequer* said, he would not take up the time of the House by entering into any discussion on the question then before the House. He would simply state, that the vote was in strict conformity with the recommendations of the Committee up stairs. The Government were anxious to reduce the sum annually charged for this service, and had already reduced it from 45,000*l.* to 35,000*l.* a-year.

Mr. *Hume* thought, the right. hon. Gentleman bound to tell them what the distinction was betwixt this sum of 10,000*l.* and the 35,000*l.* voted in Committee of Supply for the same purpose. In his (Mr. Hume's) opinion, there ought to be no distinction. He allowed that reductions had taken place in the grants for home secret service, and he was sorry that the reduction had not been greater than it was.

The *Chancellor of the Exchequer* said, it would be perfectly obvious that the amount of 10,000*l.* was not adequate to the demands on the home secret service money. It had, however, been thought advisable that something should be fixed for that service, and accordingly the present sum was provided for, and charged on the consolidated fund, and the deficiency would have to be made up by a vote in a Committee of Supply. He really thought it would be seen that the Government had reduced the annual charge for home secret service as far as they possibly could.

The House divided on the question, that the words proposed to be left out stand part of the Bill:—Ayes 100; Noes 25:—Majority 75.

List of the AYES.

A'Court, Capt.
Adam, Sir C.
Alsager, Capt.
Anson, hon. Colonel
Ball, N.
Barnard, E. G.
Bentinck, Lord G.
Bernal, R.
Borthwick, P.
Byng, G.

Canning, Sir S.
Castlereagh, Viscount
Craig, W. G.
Crawford, W.
Dalrymple, Sir A.
Darby, G.
Denison, W. J.
Divett, E.
Douglas, Sir C. E.
East, J. B.
Easthope, J.
Ebrington, Viscount
Eliot, Lord
Elliott, hon. J. E.
Ellis, J.
Fergusson, C.
Fitzalan, Lord
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleetwood, P. H.
Freshfield, J. W.
Gaskell, James Milnes
Gladstone, W. E.
Grey, Sir G.
Grimsditch, T.
Hardinge, Sir H.
Hay, Sir A. L.
Hayter, W. G.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodgson, F.
Holmes, W.
Hope, G. W.
Hope, Henry T.
Hughes, W. B.
Hutton, R.
Inglis, Sir R. H.
Irving, J.
Knight, H. G.
Labouchere, H.
Lambton, H.
Lefevre, C. S.
Lefroy, hon. T.
Lennox, Lord G.
Lockhart, A. M.
Lushington, C.
Mackinnon, W. A.
Macleod, R.
Macnamara, Major
Maher, J.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Murray, J. A.
Paget, F.
Palmerston, Viscount
Parker, R. T.
Pechell, Captain
Perceval, Colonel
Phillpotts, J.
Ponsonby, hon. J.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rice, right hon. T. S.
Rich, H.
Rolfe, Sir R. M.
Rose, right hon. Sir G.
Russell, Lord J.
Seymour, Lord
Sibthorp, Colonel
Sinclair, Sir G.
Smith, J. A.
Smith, R. V.
Stanley, E. J.
Steuart, R.
Stuart, Lord J.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Thomson, C. P.
Tracy, H. H.
Vere, Sir C. B.
Wall, C. B.
Wilberforce, W.
Wilshire, W.
Wood, C.
Wood, T.
Yates, J. A.
Young, G. F.

TELLERS.
Baring, F. T.
Parker, J.

List of the NOES.

Aglionby, H. A.
Beamish, F. B.
Buller, C.
Callaghan, D.
Clay, W.
Dennistoun, J.
Duke, Sir J.
Duncombe, T.
Finch, F.
Godson, R.
Grote, G.
Hawes, B.
Hawkins, J. H.
Hindley, C.
Hume, J.
Humphrey, J.
Leader, J. T.
Marshall, W.
Molesworth, Sir W.
Pattison, J.
Salwey, Colonel
Vigors, N. A.
Wakley, T.
Warburton, H.
Williams, W.

TELLERS.
Chalmers, P.
O'Connell, M. J.

On the question that the Bill do pass,

Mr. *G. F. Young* moved, as an amendment, "That all further proceedings with respect to this Bill be adjourned until the 1st of February next."

The House was about to divide, but Mr. G. F. Young withdrew the amendment.

Mr. *Hume* said, that, as the Bill had been completed by the House, the question was whether the Bill do pass. As he had given his opposition to several of the items he would not now proceed further with his opposition to the Bill. At the same time, he would explain to the House the nature and extent of the civil list fixed upon the country for years to come. If his amendment had been carried they would have kept the civil list within what it was by 12,000*l.* As it now stood, the civil list for 1837 and 1838 would exceed that of former years by 62,000*l.* The civil list of William 4th amounted to 510,000*l.* The support of the Members of the Royal family amounted to 206,000*l.*, making, on the whole, 716,000*l.* They were now called upon to grant for the whole civil list 385,000*l.*, in which was included the grant for secret service money. Then there was the 8,000*l.* additional to the Duchess of Kent, and as 75,000*l.* was allowed for pensions on the civil list this made the aggregate amount 778,000*l.*, making a difference of 62,000*l.*, as between the amount required last year and this year. He must say that, for a reforming Parliament, in the situation in which the country was placed, to sanction all these proceedings was a matter of deep regret to him. Her Majesty's Government ought to have considered the additional sum becoming payable to the Queen Dowager. He might be told that he was not fond of Monarchy and the support of its dignity; but he would say that the man who created confusion, and increased the expenses of royalty, was not the friend of monarchy. If they looked back at the page of history, they would find it was the extravagance of the Monarchs in France that led to the destruction of that monarchy. Unfortunately they were now taking the same course, and rendering the monarchy unpopular in this country, and he could tell them comparisons would be made between the expenditure of royalty in this country and in other countries. He held in his hand a return of the whole expenses of the American Government. He knew the comparison was not a pleasing one, and it was considered ungracious to refer to the simple forms of Republican Government; but the House would recollect that there were individuals in that country who looked at the expenses of royalty in England as compared to the expenses of other Monarchical Governments and with Republican Governments, and it was highly injurious to the very existence of monarchy to see the extravagance and profusion displayed at the present time. Look at the salaries of the President of the United States and the Secretary's down to the lowest Consuls, and they would find that 33,600*l.* was the whole expenses of the American Government. The President had only 5,000*l.* per annum, and let the House compare that with the sum of 778,000*l.*, which they were now voting, and, if they took into account the expenses of keeping up the royal parks and other matters, they would find the cost to the country little short of 800,000*l.* or 900,000*l.* With regard to the expenditure of this country, he felt bound to say that they were proceeding upon a system of extravagance unparalleled. Look to the Master of the Horse. The income of that department was raised from 12,000*l.* to 27,000*l.* He would give the House an instance of extravagance in that office. There was a sum of no less than 6,000*l.* allowed for liveries in the department of the Master of the Horse—3,000*l.* in the Lord Chamberlain's department. What was allowed in the Lord Steward's office he could not tell, as that return had not been furnished. Was it fit, he would ask, when the country was in such a state as to render it necessary to call for relief from taxation—was it fit that 120 servants belonging to the Master of the Horse should be allowed upon an average of 50*l.* a-year each for liveries? When he saw men going through the streets with clothes standing almost erect with gold, he could not but complain when he recollected that it was paid for by the country. Such things as these had arisen through the folly and mismanagement of George 4th. He would venture to assert that the monarchy had been ruined by the extravagance of the livery of that monarch. Those liveries ought to be put down. The extravagance of them was unparalleled, except in France previous to the Revolution. In his opinion Ministers, if they had done their duty, would have told their youthful Sovereign that her ancestors had set a bad example with respect to the liveries of their servants. It might be said, that the people were taken by such gaudy shows, but he denied that they were so. The example of the Court had, in his opinion, led to the excessive extravagance of the aristocracy. They were about to give to the Royal Family more than had been given in the most extravagant times. This he considered highly impolitic, and a course not at all friendly to the Queen. Ministers were acting a very unfortunate part in beginning a new reign with extravagance, instead of advising the Queen to carry on the Government with economy, so that she might obtain the love and affection of her subjects. He found a sum of money was granted to the Lord Chamberlain, the Lord Steward, and the Master of the Horse which would maintain 14,600 families, or 25,000 persons, for the whole year, at the rate of 8*s.* a-head per week. And why was there to be such an enormous expense incurred, merely for the purpose of keeping up an additional number of Lords and Ladies of the Bedchamber, beef-eaters, and yeomen of the guard, with cocked hats and fine gold liveries? [*Laughter.*] This might be a laughing matter to those who had an abundance of everything, but when the pinching hour of poverty came, and food was wanted, when comparisons were made by hungry men who asked why every article of food was taxed, it would be no laughing matter. If the system of extravagance which had been commenced at the beginning of a new reign was followed up, the day might soon arrive when, discontent arising from the enormous amount of taxation entailed by this extravagance, her Majesty's Ministers would incur a heavy responsibility.

The *Chancellor of the Exchequer* did not wish to introduce a debate, but merely to say a few words with respect to what had fallen from the hon. Member for Kilkenny. The hon. Member had complained of the expense of keeping up royal parks and gardens, but the people had a great interest in having them properly kept up. Who enjoyed St. James's Park, Hyde Park, and Kensington Gardens but the people of this great metropolis? It was they who had the benefit of them, and he would like to know whether the people would like to see them discontinued. The enjoyment of these parks was conducive to the health and good habits of the people. The hon. Member had remarked on the expensive liveries of the Court attendants, and had found fault with the liveries worn by her Majesty's Ministers; but let him follow up his own analogy, and go to one of the levees, and notice the costume worn by the representative of the United States, and he would find that, so far as costume was concerned, his excellent friend Mr. Stevenson, might be shuffled in amongst her Majesty's Ministers without having the error discovered by his dress. The hon. Member said, look at the expenses of the monarchy, and then compare them with the expenses of a small republican form of Government. He certainly felt it his duty to protest against such a principle, which would be subversive of the Constitution of the country. If he were forming a new Government he would not look out for a cheap one but would at once and always keep in view what would be for the benefit of the governed. He owed his allegiance to the Throne of his country; his hopes, his feelings, his gratitude, were all bound up in his loyalty; and he would resist every such principle as was laid down by the hon. Member, as subversive of the Constitution of the country.

Mr. *Wakley* was much disposed to blame the Ministers for extravagance, but he considered that the greater blame rested upon the Members of that House whe had voted the immense sums granted by this Bill—granted by those who called themselves the representatives of the people. Considering the temptation thrown in the way of the Minister, it was to be wondered that the sums asked for had not been greater. The country would bear in mind that, when his hon. Friend (Mr. Hume) proposed to reduce the grant by only 50,000*l.* out of 200 Members only nineteen were found to support so reasonable a proposition.

Bill passed.

SLIGO AND OTHER ELECTIONS.] The *Speaker* said, that a question had arisen upon the cases of the petitions from the county of Sligo and from the borough of Portarlington. In all those cases the objections were the same, and on those objections he considered that the recognizances entered into were not in conformity with the directions of the Act of Parliament. In stating thus much he felt bound to add, that it appeared to him that in the cases of Sligo, Carrickfergus, and Portarlington, the same party was concerned for the petitioners. That party came to his secretary and produced two recognizances; and on being looked at they were both found to be objectionable in precisely the same respect. His (the Speaker's) secretary stated to the party that he conceived the recognizances could not be held to be sufficient, upon which the party appearing drew from his pocket other recognizances, and the whole were brought under his (the Speaker's) official cognizance. On examining them he found that the whole of these recognizances had been entered into at the same time by the same parties and before the same magistrate, whose signature was extremely remarkable. Now, these circumstances having come to his official knowledge, he (the Speaker) felt bound to communicate them to the House, to whom it was open to inquire from the party at the bar into the circumstances attending the transaction.

Sir *H. Hardinge* said, that the House must feel deeply indebted to the right hon. Gentleman for the communication he had just made.

BRITISH LEGION.] Sir *H. Hardinge* said, there was a question which, upon the grounds of common humanity, he wished to put to the noble Lord at the head of the Foreign Department. He wished to be informed if the noble Lord had heard any thing of a statement published in the newspapers of an order having been signed by the Spanish minister of war by which the officers and men of the British Legion were compelled to embark for England. There was also published an order signed by Brigadier-General O'Connell, in command of the Legion, in which he stated, that in consequence of the orders of the Spanish authorities, the Legion was disembodied, and must lay down their arms. They had done so, and since then it appeared the Legion were in a state of great suffering and danger. Now, he (Sir H. Hardinge) wished to know from the noble Lord, whether any and what steps had been taken in order that these unfortunate men might be brought home to their own country.

Viscount *Palmerston* replied, that he had been informed, but not officially, that in consequence of some difference between Brigadier-General O'Connell, commanding the Legion, and General O'Donnell, the Spanish General commanding at St. Sebastian, the infantry of the Legion had given up their arms, and were no longer soldiers in the Spanish service. If that were so, of course they must be brought home, and he could assure the right hon. and gallant Officer opposite, that no time should be lost in taking steps to bring them home to this country.

PONTEFRACT ELECTION.] Mr. Aglionby moved the Order of the Dav for resuming the adjourned debate on the Pontefract election recognizances. Motion agreed to, and Mr. James Florance called in and examined.

The witness stated, that he was a solicitor, and had occasionally acted as a Parliamentary agent. Mr. Moss had called on him at his house, and stated that he wished to use his name as agent for putting in sureties to the Pontefract election petition, assigning as a reason for not using his own that he had been a candidate at Pontefract. Mr. Moss did not state that this fact disqualified him, but that he considered it as a matter of delicacy. The witness complied with the request of Mr. Moss, and accompanied him to the office of the clerk of the recognizances, where he gave in his name as agent for the petition, and signed his name as agent. Mr. Moss did not act in the office as if he were the agent, and the witness was not aware of any case in which he had ostensibly acted as such. The witness had not received any instructions from Mr. Gompertz to act as his agent, but from Mr. Moss. The witness was used to Parliamentary business, and considered, that having given in his name as agent, until by some means that agency was repudiated by the petitioner, he was the agent for the petition. He considered that Mr. Gompertz had employed Mr. Moss to communicate with him. He looked to Moss for payment.

John Benbow, another witness, deposed that he had been a solicitor for several years, but followed no vocation at present. It was through Mr. Moss that he had any knowledge of the Pontefract petition. About a month ago Moss called on witness at witness's residence, and asked him whether he would desire to go into Parliament. Moss proceeded to detail to witness the state of Pontefract, and it appeared to witness that he had very good grounds for hoping to succeed on petition against the sitting Member. Procter's name as a surety was given to him on a slip of paper. Thinks Procter was described in it as of South-bank, Regent's-park, gentleman.

John Phillips Bevan deposed that he was applied to by Mr. Benbow, a very old friend of his, to become one of the sureties to an election petition. Was not told what petition. Mr. Benbow said he would rather not tell him, but would feel obliged if he would promise to become a surety. Met him a few days after close to the house, and agreed to become a surety. Gave his own name and that of Procter for that purpose. Described Procter as "William Procter, of 7, South-bank, Regent's-park, gentleman." This was done in a great hurry.

Procter had not authorized him at the time that witness gave his name. Proposed Procter as surety also for the Canterbury petition. In that case described him as a bootmaker, and also as of South-bank, Regent's-Park.

By Mr. *E. J. Stanley*.—Never saw Mr. Gompertz till this evening. Knows nothing of him.

William Procter deposed, that he was a bootmaker, and the person described as one of the sureties residing at Southbank, Regent's-park; had resided there for the last nine years. The house was his own property. Possessed property also in Worcestershire; it is a freehold. Had a house also in the Strand, but he only rented it.—His name was Procter, not Proctor; was a surety in the Canterbury as well as Pontefract case; had received a letter from Mr. Bevan, requesting him to become surety in the case of an election petition to the amount of 500*l.*; believed his name had been inserted as one of the sureties before he received that letter; could not say whether that letter referred to the Canterbury or Pontefract case.

Mr. *Jervis* said, the question before the House was this—Was Mr. Procter's name inserted as a surety with the intention of committing a fraud?

Mr. *Harvey* said, that the party had been challenged upon two grounds—pecuniary incompetency, or fraud. It might be either, or it might be both. There was, certainly, no evidence to prove the former; and, as regarded inadequate description, he did not think it possible to attribute fraud. The witness had a house in the Strand, where it was known (as elicited from the witness by the hon. Member himself) that he had a private house in the Regent's-park; and there it was known that he was a bootmaker, and had a house in the Strand, in which he carried on that trade. He (Mr. Harvey) did not think either ground had been proved.

Sir *H. Hardinge* did not think there could be the slightest doubt of Mr. Procter's competency as a surety. At all events, the House were now in a situation to close the evidence and come to a decision on the case.

Mr. *Aglionby* said, he was at a loss to decide whether this case partook more of the ridiculous or the indecent. He thought the case of the petitioner was based in fraud, built in fraud, and finished in fraud. Passing over the original transaction, the circumstances connected with the agency sureties presented a tissue of fraud such as had never been disclosed in any former instance. The competency of the sureties was not at issue. He never said nor believed that Mr. Procter was not a respectable man; he made no question as to his competency—that was a matter for the examiners to inquire into. He maintained there had been a juggle in the agency. Moss himself admitted that he had put forward Florance as agent with the intention to deceive; and even Procter had been juggled into the case, of the merits and parties to which, he was not cognizant. Under these circumstances he did not think the House was called on to interpose its authority to give relief to one in so degraded a condition as this petitioner, to the prejudice of any honourable man who had been guilty of no misconduct, and against whom there was no complaint. He should, therefore, move that the order of Friday, for enlarging the time to enter into recognizances in this case, be discharged.

Sir *R. Inglis* contended, if the House desired to maintain its character for dignity, consistency, and justice, they could not rescind their decision of Friday, no facts having since appeared in evidence to vary the original character of the case. He did not see how it was possible to impute fraud in consequence of the variations in the addition or address of the surety. Much had been said of late with regard to the unsatisfactory character of the proceedings in election committees. For his own part, he could not help thinking the proceedings of the House within the last three days had strongly impressed his mind with the conviction that that assembly was a very imperfect tribunal in such matters as the present, where all were advocates, parties, jurymen, judges, acting under constant stimulus, and without any controlling authority to lay down the law. He did not think their proceedings at all calculated to elevate the character of the House in the estimation of the country.

The House divided on Mr. Aglionby's motion.—Ayes 86; Noes 56: Majority 30.

List of the AYES.

Anson, hon. Col.
Ball, N.
Barnard E.G.
Beamish, F. B.
Belfast, Earl of
Briscoe, J. I.
Bryan, G.
Callaghan, D.
Campbell, Sir. J.
Cayley, E. S.
Chalmers, P.
Codrington, Sir E.
Craig, W. G.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, C. T.
Divett, E.
Duff, J.
Duke, Sir J.
Dundas, F.
Easthope, J.
Elliott, hon. J. E.
Erle, W.
Etwall, R.
Finch, F.
Fitzalan, Lord
Fitzroy, Lord G.
Gibson, J.
Gordon, R.
Grattan, J.
Hallyburton, Lord
Hastie, A.
Hawes, B.
Hindley, C.
Hobhouse, T. B.
Howard, P. H.
Hume, J.
Jervis, J.
Leader, J. T.
Lennox, Lord G.
Lushington, Dr.
Lushington, C.
Macleod, R.
Macnamara, Major
Maher J.
Maule, W. H.
Morris, D.
Murray, J. A.
Muskett, G. A.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Pattison, J.
Pechell, Captain
Philips, M.
Phillpotts, John
Price, Sir R.
Pryme, George
Ramsbottom, J.
Salwey, Colonel
Sheil, R. L.
Smith, R. V.
Somers, J. P.
Standish, C.
Stanley, E. J.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Style, Sir Charles
Surrey, Earl of
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Tracy, H. H.
Vigors, N. A.
Villiers, Charles P.
Wakley, Thomas
Whalley, Sir S.
White, Andrew
Wilshere, W.
Wood, Charles
Wood, Sir Matthew
Woulfe, Sergeant
Wyse, Thomas
Yates, J. A.

TELLERS.
Aglionby, H. A.
O'Connell, M. J.

List of the NOES.

A'Court, Captain
Arbuthnott, H.
Attwood, W.
Baring, F. T.
Bentinck, Lord G.
Blair, J.
Broadwood, H.
Cantelupe, Visct.
Copeland, Mr. Ald.
Courtenay, P.
Darby, G.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Eaton, R. J.
Ellis, J.
Fitzroy, hon. H.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gladstone, W. E.
Godson, R.
Gordon, hon. Capt.
Gore, O. W.
Grimsditch, T.
Hardinge, Sir H.
Hayter, W. G.
Henniker, Lord
Holmes, W.
Hope, G. W.
Hughes, W. B.
Kirk, P.
Lefroy, rt. hon. T.
Lockhart, A. M.
Lucas, Edward
Mackenzie, T.
Morpeth, Viscount
Ossulston, Lord
Parker, Robert
Perceval, Colonel
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Rose, rt. hn. Sir G,

Round, J.
Seymour, Lord
Sibthorp, Colonel
Sinclair, Sir G.
Spry, Sir S. T.
Stewart, J.
Thompson, Alderman
Tollemache, F. J.
Vere, Sir C. B.
Wood, T.
Young, G. F.
Young, John

TELLERS.
Inglis, Sir R. H.
Maclean, D.

Order discharged.

HOUSE OF LORDS,

Wednesday, December 20, 1837.

MINUTES] Bills. Read a second time:—Houses of Parliament.—Read a third time:—Municipal Officers' Declaration.

CIVIL LIST.] Viscount *Melbourne* said, that, by command of her Majesty, he had to communicate to their Lordships a Message from the Throne, in which her Majesty announced her consent to "the Bill for the support of her Majesty's Household, and of the honour and dignity of the Crown of the United Kingdoms of Great Britain and Ireland," and in which she, at the same time, informed their Lordships that they were at full liberty to proceed with the said Bill as they might think fitting. The noble Viscount then moved, that an humble address be presented to her Majesty in reply to the Message which he had just communicated to their Lordships, thanking her Majesty for the consent which she had so graciously given to the said Bill, and for the permission which she had granted to the House to proceed on the said Bill as it might think fitting.

Ordered accordingly.

Viscount *Melbourne* then said: I now rise for the purpose of moving the second reading of the Bill to provide for the better support of her Majesty, and for the due maintenance of the dignity of the Crown, according to the notice which I gave to your Lordships yesterday. With respect to the settlement of her Majesty's civil list the same course has been pursued as that which was adopted at the commencement of the late reign. In the House of Commons a Committee has been appointed, with powers similar to those which were given on the former occasion. That Committee has sat, has made its report, and on that report has been framed this Bill which has been sent up to your Lordships, and to which I have to request your Lordships' attention. My Lords, this Bill, as I said before, follows exactly the precedent of the Civil List Act of the last reign. That Civil List Act adopted, and not only adopted, but carried much further, a principle which had been already adopted in the Constitution, and which in fact is a right constitutional principle, inasmuch as it gives the greatest possible amount of benefit and advantage both to the Crown and the people. Your Lordships know very well what this principle is. It is the entire separation of the whole of the charges which belong to the civil government of the country from those which belong to the personal dignity and convenience of the Sovereign. On the former occasion to which I have referred many noble Lords in this House, censured I will not say, for that, perhaps is too strong a word, but expressed great doubts as to the prudence, wisdom, and propriety of acting on that principle. Though, however, there might be reason then for questioning its prudence, wisdom, and propriety, your Lordships, having the precedent before you, would not think it either prudent or wise or proper not to follow it on the present occasion. I beg your Lordships' attention for a certain portion of time, while I attempt to show the progress of the principle on which this Bill is founded. That it is a wise principle, in my opinion, cannot now be questioned, experience showing that it sacrifices none of the real dignity, comfort, and power of the Crown, while it tends in a great measure to the satisfaction and to the advantage of the country. My Lords, the ancient revenues of the Sovereign of this country before the Restoration—not, probably, from contrivance, not from arrangement, but having grown up from the state of affairs, having in fact grown up with the growth of society in this country—I say the ancient revenues of the Sovereign of this country were partly territorial, partly feudal, and partly, I apprehend, arising from the personal property of the Crown. But that revenue so composed was entirely the property of the Crown, out of which the Crown was bound to provide for the civil and military service of the country; and it was only on extraordinary occasions, when the Monarch had been improvident, when he was desirous of making aggressions on his neighbours, or when the country was threatened with danger or difficulties, that he came to Parliament, and he then did so for the purpose of obtaining Parliamentary grants. Now, my Lords, whatever the advantages of this system, it is impossible not to see, *à priori*, that there never was a system worse calculated to secure constitutional liberty in this country. Under such a system there was no security for that without which there can be no constitutional freedom—namely, the free, the regular, the periodical meeting of those representative bodies by whose active and vigilant superintendence alone constitutional freedom can be preserved. Your Lordships know very well that there were indeed plenty of acts of Parliament directing that Parliament should meet once in every year; but, my Lords, what are acts of Parliament without the means of enforcing them? Your Lordships are aware that even now merely preceptive and declaratory acts are not apt to be very strictly observed, and if inquiries were not occasionally made—if vigilance were not exercised—would be of no value whatever. In ancient times, as I have before stated, the only security for the meeting of Parliament was in the improvidence of the Monarch, in his desire to make war on his neighbours, or in the dangers and difficulties of the country. Fortunately for the liberties of the country, these securities, though very imperfect, were found sufficient to secure its constitutional rights. But what would have been their fate if there had been one or two prudent monarchs who kept within their incomes, like Henry the 7th, who called only two Parliaments in his whole reign of I believe twenty years, and established such a tyranny as undoubtedly had never been known in the country before; a tyranny that required protracted efforts, torrents of blood, and years of contests in order to vindicate those principles and those rights which from the disuse of Parliament appeared to have fallen almost into oblivion. This state of things continued with more or less alteration until the restoration of Charles 2nd. At that time, the increasing liberality of the times, the anxiety to obtain popularity, and to a certain degree, I believe, what had taken place during the preceding fifteen years, which had, to a certain degree, shaken the power of levying those dues on which the revenue of the Crown greatly depended, those various considerations induced the Crown to give up its great feudal rights—its lordship rights, even its right to the property of the country—its rights of preemption, and many others; and to accept from the people in place of them, a Parliamentary revenue founded on Parliamentary taxes. This was the first great change that was made in settling the revenue of this country. The next important change that took place with respect to the revenue of the Crown was introduced at the Revolution. Your Lordships know what great difficulties were in the way of the settlement of the revenue of the Crown at the time of the Revolution. The Revolution, as well as the Restoration, was very popular. The Restoration was accompanied with, perhaps, more of the clamours of party, but the Revolution was exceedingly popular throughout the country. In those days the clamour of a political party, or the huzzas of the populace outside, were no great criterion of the liberties of the country—Parliament did not then reflect on the general feeling or the prevailing opinion of the country. With great difficulty, the revenue at last was settled for the life of the Sovereign—after two or three years struggling, after many legal questions had been discussed, and after many doubts, the revenue was settled for the life of the Sovereign, and that was the first occasion of bringing up a civil list. The great war which broke out about this period, induced the necessity of making an adequate provision for the naval and military services, and Parliament was obliged to meet annually for this purpose, without which the country would not have been safe, nor could the Government have been carried on. That was the second great alteration which, in fact, divided and separated from the Crown—which in fact removed from the Crown, not the control and direction, but the power of paying the great and efficient servants of the Sovereign. The same principle was, with additions rather than alterations, continued—voting a certain amount of money, and guaranteeing that if that sum was exceeded it would be made up: this system was continued during the reign of George 3rd. That plan was subsequently given up, and a regular annual income was voted by Parliament for what was called the civil list of his Majesty; that was, for the support of his Majesty's household, and also for defraying the expenses of certain of the civil servants of the Sovereign. My Lords, it is not my intention to go through all the amendments and reforms of the civil list, which took place up to the time of Mr. Burke's Bill, or to the Act which passed in 1816; by the former of which the division into classes was introduced; by the latter, the division of these classes was carried still farther; various charges were removed from the civil list, and an auditor was appointed. But still the old principle of the civil government of the country being defrayed by the monarch continued. This separation, however, was intended to be carried further by the Bill introduced by a noble Friend of mine opposite (Earl Spencer), and it was carried into effect by that Bill which was introduced in the year 1831, on occasion of the settlement of the civil list of his late Majesty. The civil list then was relieved from all the civil charges of the Government, and it was confined to those matters which related to the dignity and to the personal comfort and ease of the Crown. Now, my Lords, this, in the first place, was a considerable gain in point of clearness and perspicuity. I fear that there is no such thing as a royal road in public accounts any more than in mathematics; it requires some pains to understand them: but I think, that in the arrangement of the civil list, of which I am now speaking, it was worded as clearly as possible what sums were paid by the public, and for what purposes they were paid. I trust the time will never come when we shall have to consider the Crown a hostile body in the constitution—when we shall have to consider its power with reference to the other estates of the realm—when we shall have to look at its resources for contest; I hope that that is the last way in which we shall ever have to contemplate it; but of this I feel confident, that the preservation of that form of payment which existed so long would not have afforded it any real strength—would not, in any degree, have added to its real power or influence in the state. Whatever may be said of the feudal system, as affording greater dignity and a more becoming character to the Crown, I am sure that it is impossible to look to the history of those times without feeling that it in no way added to the Crown's real influence or power. It by no means protected the Crown from perpetual complaints of its extravagance, or from perpetual inquiries as to its expenses; it by no means protected the Crown from what appears to us at the present day to be—what I should hesitate and desire to be better informed before I described it—namely, great niggardliness on the part of Parliament. Ever since the Revolution there has been a general consent, a general union, and a full agreement between the Crown and the other branches of the Constitution; and unquestionably a liberality has been exercised by Parliament towards the Crown, and through Parliament by the nation, which is totally unparalleled in the early history of the Constitution. This principle has received the sanction of the two Houses of Parliament on former occasions, but thus much I have thought it necessary to say, in order to explain to your Lordships, that there is no foundation whatever for any alarm or doubt with respect to the principle of the Bill introduced to the present Parliament. With your Lordships' permission I will now advert to the provisions of the Bill to which I have to ask your Lordships' assent on the present occasion. The extreme simplicity of it, and its great similarity to the Bill which was introduced on the accession of his late Majesty, dispenses with the necessity of my taking up much of your Lordships' time. My Lords, the civil list, as your Lordships know, is divided into classes, for which provision is made by the money which is granted by Parliament. The civil-list is fixed at 60,000*l.* In the former Bill, that of his late Majesty, the sum under this head was 110,000*l.* The difference was occasioned, as your Lordships well know, by the provision which was necessarily made for the Queen Consort. Under the next head are classed the salaries of the household, and the retired allowances, for which we propose a sum of 131,260*l.* In the former Bill the sum was 130,300*l.* being but a small difference, which your Lordships will understand to be occasioned by the circumstances of the present reign. Under this head, my Lords, we have a reduction of the salaries of the three great officers of State—the Lord Chamberlain, the Lord Steward, and the Master of the Horse. The two first have been reduced to 2,000*l.*, and the latter to 2,500*l.* These reductions were made in accordance with the recommendations of the Committee of the other House, which sat in 1831, but which, for some reason with which I am not acquainted, were not carried into effect. On the other hand, the ladies of her Majesty's establishment, who formerly derived their allowances from the Queen, are thrown upon the fund, and the result is produced which appears on the list. The expense of her Majesty's household is put at 172,500*l.*; in the former list it was 171,500*l.* The royal bounty is in the present list 13,200*l.*; in the former list it was 23,200*l.* This difference is occasioned by the withdrawal of the secret service money from the civil list, and its being transferred to the consolidated fund. My Lords, the pension list of 75,000*l.* is left blank in the present schedule, because, as your Lordships know, an entirely different system has been proposed. Interesting as this subject of pensions has become, it is not my intention to take up your Lordships' time by going into a consideration of them; they are about to be inquired into by a Committee of the other House, and it would not be proper in me to say anything that could bias or influence the decision of that Committee. The question of pensions is one of great difficulty. I know that for a long period of time a feeling of much dislike has been entertained in the country against the pension list. I must admit that it is a head of expenditure which is very liable to be abused—not from corruption, not from base motives, for I do believe, and I most confidently anticipate, that the result of the inquiry will be, that very few cases will be found in which it is possible even for suspicion to suggest any improper motive—but it is a branch of expenditure very liable to be abused in consequence of the indulgence of good nature, or of the exercise of influence, or of carelessness in those who have the dispensing of pensions. It is liable also to produce at times two very evil effects—a disposition to relax individual exertion from expectation of this aid, and great discontent in the minds of those who fail to obtain pensions whenever they compare their own claims with those of their more successful competitors. Taking all these matters into consideration, I am still prepared to say, in the language of the resolution of the House of Commons, which is incorporated into the present Bill, that for the purpose of encouraging literature and science, for the purpose of encouraging improvement in the arts, for the purpose of affording relief in special cases, and very often for the purpose of remunerating important public services, it is necessary and expedient that the Crown should be invested with the power of granting a certain number of gratuities of this description. That is my opinion. Upon that opinion the present Bill has been framed. Power is given to the Crown to grant pensions to the amount of 1,200*l.* in each year, and if that amount be not granted in any one year, the surplus is to go over to the next year. The pensions thus granted is also to be submitted to the control of Parliament. I know that there are certain disadvantages attending publicity in this case, but I also know there are certain advantages arising from it, and your Lordships have to choose between the two. There are disadvantages in its being known exactly what the public have to give, and there are cases in which all conscientious, right-thinking, and honourable people will wish that there should not be such publicity as is proposed by the present Act. But, on a balance of evils, it appears to me to be the least evil of the two to submit these pensions to the safeguard of a Parliamentary scrutiny. There can be no greater security against the abuses which so easily and so naturally creep into the exercise of power of this description. There is no other mode of guarding against them, except that it shall be known what the pensions are, to whom they are granted, and upon what grounds, and that from that knowledge Parliament shall judge of the grounds and motives on which they are given. The last head in the schedule is 8,040*l.* for unappropriated monies. This is given to meet any of those unforeseen demands which everybody knows must some time or other arise, and considering that her Majesty is about to give up many casual sources of revenue which have not been given up by her royal uncles, or by any other of the Sovereigns, her predecessors, and which in the last reign have amounted to 70,000*l.*, and upwards, that sum is neither unreasonable nor exorbitant. Indeed, from my own practical knowledge and experience, I can say that it is highly expedient that such a fund should be placed at the disposal of her Majesty. I believe that the noble Duke on the other side of the House has created such a fund in the civil list which he framed for his late Majesty, and that my noble Friend, Lord Althorp, had taken a vote for it in the House of Commons, although his noble friend subsequently did not think it fitting to send it up to that House as a clause in the Civil List Act. I do not know that there was anything else in this Bill to which it is material that I should call the attention of your Lordships, except it was that in other Bills for the settlement of the civil list it has been provided that the civil list should expire on the death of the Sovereign, whereas it is provided that the powers of the present bill should continue for six months after the demise of the Crown, unless the successor of her Majesty should signify to both houses of Parliament his royal will and pleasure to resume the several hereditary rights and revenues which her Majesty had surrendered. There is also another clause in this Bill which is not to be found in former Bills, and which refers to certain duties levied on all beer, ale, and cider brewed in Great Britain. Your Lordships will perhaps recollect that at the close of the reign of his late most gracious Majesty George 4th, and at the commencement of the reign of his successor, certain duties on the brewing of beer, ale, and cider were repealed. In that act it was provided that the hereditary duties of excise on beer, ale, and cider in Great Britain granted to the Crown by an act passed in the reign of Charles 2nd, should be suspended during the life of his late Majesty, but should revive upon his death and become again payable. When those duties revived on the death of his late Majesty, it became necessary to send in the Excise to gauge the stocks of all brewers of beer, ale, and cider. They were exceedingly dissatisfied with that mode of proceeding, and began to believe, that as certain duties on beer, ale, and cider had been repealed, the excise was levying duties upon them which it had no right to levy. Her Majesty's Government, acting upon the analogy of the continuance of Parliament to sit for six months after the demise of the Crown, proposed to get rid of this inconvenience in future by suspending the payment of these hereditary revenues for the same time, and by repealing them entirely after that period, unless the future sovereign should declare his indisposition to surrender his hereditary revenues. This is the plan of the civil list which I have now to lay before your Lordships, and when I ask your assent to the second reading of it, I ask your assent to it, not from your feelings of loyalty and duty to your present young and amiable Sovereign —loyal and dutiful as I know those feelings to be—but I ask your assent to it as a branch of the British Legislature interested in the preservation of the laws and liberties of your country. I call upon you to pass it for the support of the hereditary monarchy of England—for the support of the hereditary monarchy, which has been established for so many ages among us, regarding which I will not enter into any frivolous dispute as to whether it may be the wisest or best form of Government that can be put in motion, but which I say it would be the height of insanity and the worst of criminality now to attempt to alter. I call upon your Lordships to support this Bill for the support of the monarchy; for in supporting that monarchy you will support the liberty and laws under which the country has attained an amount of property and a degree of prosperity hitherto unexampled in the history of nations. The noble Viscount concluded, by moving the second reading of the Bill for the support of her Majesty's household and of the honour and dignity of the Crown of the united kingdom of Great Britain and Ireland.

Lord *Brougham*:* Although I do not rise with the desire of opposing my noble Friend's (Lord Melbourne's) motion, so as to take the sense of the House upon it, I am nevertheless desirous of calling the attention of your Lordships to the manner in which this Bill has been framed and has passed through the other House of Parliament, with the view of ascertaining how far a due consideration has been given to so important a subject, and of seeing if there do not exist at this hour substantial reasons for adopting a course different from the one that has been pur-

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* From a corrected report published by Ridgway, with the following notice :—

This speech is published separately in order to bring under the consideration of the people of this country, when they come to reflect seriously upon the late proceedings in Parliament, what it is that has been done with respect to the royal establishment, and in what manner this has been done. There is also reason to believe, that many who bore a part in those proceedings were not fully aware of the state of the question. This is almost unavoidable, when an important measure is carried through all its stages with great dispatch; more especially when men entrusted with legislative authority, act under the influence of excited feelings, and do not give themselves time to reflect, that the funds upon which their generosity is exercised, belong to others, for whom they are only trustees.

sued. Against the concluding remarks of my noble Friend, I will neither waste your Lordships' time nor degrade myself by making any defence. I am sure he did not mean to throw out any thing against me personally, or against those who may agree with me, as if by taking a different view of this measure, we shewed ourselves less attached than himself to the established Constitution of the country, and were, to use his own expression, "insane" enough to put in hazard the benefits which it bestows, by seeking after some other untried form of Government. There is no question of the kind raised by the present discussion; all are agreed that a limited Monarchy such as ours, is better adapted to the present state of society in this country, and the existing circumstances of the European world,—more calculated to secure the great end of all government, the happiness of the people,—than those Commonwealths which have been established in other regions where they are greatly preferred even to our constitution, as being better suited to the wants and opinions of the community. Thus much my noble Friend's somewhat needless observations have made it necessary to say, lest any one should fancy that they conveyed against those who disapprove of the present scheme, an insinuation of fondness for revolutionary doctrines, or a disposition to seek changes of a sweeping and dangerous kind.

I will now come to the matter before us, from which I have been drawn aside, and I begin by assuming that your Lordships are consulted upon the present occasion with the intention of really asking your opinion, and not as a mere form and empty ceremony; that you are appealed to as a deliberative body; that you are called upon to exercise your judgment, and that you have the duty laid upon you of exercising your unquestionable right to give the whole subject a full consideration. Now I am under the necessity of declaring, both that I can discover no sufficient reason for adopting the principle of this Bill, and making, prospectively, an arrangement of the Civil List, which may last, as we all hope it will, fifty or sixty years; and that, even if the principle were a sound one, and it were fit to make such an arrangement, we have not before us the information which might have been communicated, to which we were clearly entitled, and without which it is utterly impossible to deny that we must, upon every view of the matter, be legislating in the dark. Nor has my noble Friend urged a single argument to the contrary. I agree in all the argumentative part of his speech; I dispute not one of his historical details; but neither his reasonings nor his facts have any bearing upon the question before us. Thus I nowise doubt, nor do I believe any one can be found who will doubt, that a very beneficial change was effected at the Restoration, when the Monarch, instead of bearing the whole expense of the Government, and enjoying the feudal and other hereditary revenues of the Crown, gave up these to the country, and received as an equivalent an income out of the taxes. No one has ever doubted for these last 150 years, that this was an improvement upon the former usage; and I cannot help thinking, that my noble Friend gave himself an unnecessary trouble, when he laboured to dissuade your Lordships from recurring to the ancient feudal method of supporting the Monarchy. So too of the change in our financial arrangements, introduced after the Revolution, and which led to the necessity of Parliament being regularly held every year, so that the whole business of the Government must be transacted there. That this, like the former, was a great improvement, I take for granted nobody will be inclined to dispute. Then again as to the third of those changes, dwelt upon by the noble Viscount, the plan of separating the expense of the royal household from the other charges of the civil Government, first adopted at the accession of his late Majesty, I am not aware that there exists in any quarter the least disposition to deny that this too was an improvement upon the old method of mixing the whole expenses together, and classing them all, how various soever their nature might be, under the name of civil list, a method equally inconvenient and indeed detrimental both to the Crown and country. Upon all these points, I must profess my entire acquiescence in every thing that has fallen from my noble Friend; and to these points his speech was wholly confined; but the matter in dispute between us, namely, the proposed arrangement, is left altogether untouched by him. I have heard not one word in support of the sums allotted by the Bill; nor in answer to the demand of information upon the amount of the Royal income; nor in defence of the proposal to grant a civil list for the Sovereign's life; and in the absence of all explanation, and of all reply to what I urged nearly a week ago,—with no one fact stated—no one argument adduced in support of the measure in any point,—I remain of the opinion which I then expressed, and which all the attention I have since devoted to the subject has only confirmed, that it is a most unwise, unbecoming, unstatesmanlike course of proceeding, to legislate upon such a subject prospectively for a period of perhaps half a century or more. What man can foresee,—what being with our limited understanding can pretend to foresee,—what audacity, let me ask, can inspire any one to foretel anything however trifling, touching the state of affairs forty, thirty, aye even ten years hence? Yet here are we about to lay down a rule by which the expenditure of the Sovereign is to be governed, and the contributions of the people towards it fixed, as long as the reign shall endure. We are to ascertain at this moment for all that period of time, how much of each article that enters into the royal expenses, shall be required for duly supporting the dignity and splendour of the Crown, and how much each article shall cost in monies numbered, we being of necessity in the dark, absolutely in the dark, as to any one of the circumstances in which this prospective arrangement must be carried into execution. Utterly ignorant of all that must determine whether too much or too little, or only enough has been allotted—not pretending to know, or even to have the power of guessing at any portion of the details which must decide this great matter from time to time—here are we taking upon ourselves to form an estimate, wholly depending on these unknown details, and by that estimate, fixing a civil list for ages to come! In 1837 we are deciding what shall be a proper court establishment in all its branches for the Sovereign of England, in the year 1880 or 1890. Am I to be told that we can now have the means of divining anything about a court in those distant days? But are we in a condition to fix in all its details, what that court shall be in an age to which the eye of fancy alone can pierce, so as to give objects their weight, and form, and colouring? Yet this is what we are about doing; we are acting as if we could tell what in an unknown age,—an age of which we can know nothing, except that we do not even know how far distant it may be,—what shall be required for the comfort of the Monarch,—what the establishment shall be which the unknown habits of that uncertain time may render necessary, and no more than necessary for the dignity of the Crown,—what shall be the cost of that establishment, decorous and needful, nor more than decorous and needful. And on such conjectures as these, or rather giving up all attempts at conjecture as utterly hopeless, and blind as to the future, and shutting our eyes with our own hands as to what we are about, we sit down to legislate as though men were not subject to change, as though time made no alteration in human affairs, or as though courtly state and circumstances alone were exempt from its inroads! What must be the inevitable consequence? In a little while, to take only the most obvious possibility, money may fall in value, and prices rise; then will come down the Minister of the day, and remind us of the regard which is due to the maintenance of the royal dignity, perhaps deprecating that "niggardliness of Parliament" to which my noble Friend alluded in his retrospect.

Lord *Melbourne* said, he had not alluded to the niggardliness of Parliament; his reference was to Parliament before the period of the Revolution.

Lord *Brougham:* I understood my noble Friend to have made the allusion generally, and in connection with a later period; although certainly whatever might be said of the period before 1688, I am not aware of any ground for charging with niggardliness the Parliaments which have sat since that time. But I was about to say, that no sooner shall any change in prices take place, than down will come the Minister of the Crown, armed with a gracious message, and feelingly represent the necessity of providing additional income to meet the increased expenditure; and if the country should complain, pleading the bargain made by Parliament at the commencement of the reign,—if the people should presume to say, "It was contracted and agreed in 1837, that during your Majesty's life a fixed yearly sum should be paid, without any deduction on account of prices falling, or any reference whatever to any other benefit which you might receive from change of times; and therefore, although the change has turned out to be in our favour, or at least against you, you must keep by the bargain, as we should have been obliged to do had the event been the other way;"—what will be the answer instantly given to such a remonstrance? Why, that were Parliament to listen to such things, it would be niggardly, unmindful of the dignity of the Crown, indifferent about the decent support of the Royal Family, disposed to leave the necessary expenses of the Monarch unprovided for; and the result would be, if there is any trust due to experience—if from the past we may now reason to the future—that the country will be overcome in the contest; give way, as it always has done; open the contract; make an entirely new arrangement in compliance with the new demand, and in accordance with the novel circumstances, and suffer no one to set up against it the final and conclusive nature which is now, as it always has been before, ascribed to the proposed arrangement. All this happened again and again in the reign of George 3rd, and if it did not take place also in the reign of George 4th and William 4th; this was in all probability owing to the short duration of their reigns: the former Prince having only lived ten years after his civil list was settled in 1820; and the latter unhappily not much more than six years after the arrangement of 1830.

But it is said, that any departure from the course recommended, of a contract for the Sovereign's life, is wholly without precedent. Be it so; there is nothing in the plan I propose, of voting a civil list for a limited time, more unprecedented now than those far greater changes which my noble Friend eulogised so lavishly. I recommend no departure from former usage nearly so wide as the change which he justly described as most beneficial to all parties, at the Restoration, when the feudal revenues were commuted for a fixed sum, and the expense of the Government defrayed by the country. I recommend nothing like so great a change as that which my noble Friend most justly praised, the entirely new manner of transacting all financial, and indeed all Parliamentary business, introduced in the reign of King William. The change I recommend approaches more nearly the one to which he and I were ourselves parties in 1830, and which, though objected to at the time by some, appears now to have gained general approbation, since I hear not a word said against it, nor anything urged to shew, from the experience of those six or seven years, that we should return to the former practice upon the present occasion. But when men speak of the precedents, and refer to the former civil list arrangements as always having been for life, they ought to be sure that the circumstances are the same. Can anything be more different than those of the present and the two last civil lists? The late King ascended the throne at the age of sixty-eight. George 4th was sixty at his accession. The present Sovereign is eighteeen. So that we must go back to George 3rd, before we can find anything like a parallel case. But I confidently appeal to your Lordships, if there be any real similarity between the circumstances of the country now and in 1760? Instead of a public debt of less than a hundred millions, we have one approaching to a thousand; the expense of the peace-establishment has risen from five millions to two and twenty; and the revenue extracted from the people is no longer under ten millions, but above fifty; cramping their industry in every direction in which it is possible for taxation to be felt. In every particular the case of 1760 offers a contrast, rather than a parallel to the present. But even if we were now in 1760, and had to make the arrangement for a Sovereign in the prime of life, with the experience of that arrangement, and our knowledge of the manner in which the plan worked, I ask should we be tempted to repeat the experiment? What happened after the settlement of 1760? The Legislature said then, as the Legislature says now, that they were making, for the life of the Sovereign, a conclusive, unalterable arrangement with him. They told the people, as the people are now told, that the Sovereign was to have, by the year, so much and no more than was fixed, all the days of his life, happen what might as to prices, one way or the other; and men flattered themselves, that at least with the reigning Monarch a final settlement had been made. What followed this perpetual bargain? In less than ten years—I believe in the ninth year—after its date, a message comes from the Throne, setting forth that in consequence of the change of times the income settled had proved insufficient, a debt of above half a million had been contracted, and an appeal to the liberality of Parliament had become unavoidable. In short, the arrangement was found inapplicable to the altered circumstances of the court or the country; and the debt was paid of course. Well, in nine years more, at the most disastrous period of the American war, the year when France took part against us, it was discovered that a second series of changes had taken place; another load of debt, but larger in amount, had been incurred; another message was sent down; the final and binding contract of 1760 was a second time opened for the benefit of the same party, the Crown, to the detriment again of the other party, the country; the new debt of above six hundred thousand pounds was paid off as before, and a new income settled on the Monarch. In the subsequent years deficiencies were again and again supplied by payments, though to a smaller amount. New arrangements were made under Mr. Burke's Bill, and afterwards in the early period of the Regency. All the changes thus freely made in the contract were for the advantage of the same party; while, as often as the other party claimed any relief from its provisions, the constant answer was, "The bargain cannot be touched; it is made for the King's life." And yet, in the face of all experience, and in disregard of all the dictates of reason and of common sense, we are going to commit the same mistakes that were committed in 1760; and, being now as completely in the dark as those before us were then, we are about to make a compact which is to bind the country for half a century, and to bind the Crown only while it proves a benefit.

But if, at some future time, Parliament shall be charged with having made an improvident bargain for the country, let it not be said that they received no warning in their course! Let it not be said that no warning was given in the House of Lords, nor any attempt made to arrest such imprudence! And let this be borne in mind, that notice was in this place fairly and explicitly given of the consequences which may be looked for in a few years! And what are those consequences? If the arrangement now made shall turn out to be unfavourable for the Crown; if prices rise, if from an altered state of society, or from any other cause an increased splendour is deemed necessary to the royal dignity; little will it avail the people to plead the final character of the settlement of 1837. That character will go for as little as it has done in former cases of the same kind; it will go for absolutely nothing. But if it shall be found that money goes further than it does in the present day—if the quantity of the precious metals is increased—if in the progress of manufacturing industry the great staples of luxurious expenditure become cheaper—or if the necessaries of life themselves are more abundant from improvements in agriculture—if, and I trust your Lordships will suffer me to contemplate such a possibility—if it shall be found that do what you will, you can no longer hold by the corn-laws; if it should happen that the people of this country, among whom of course your Lordships are to be included, will no longer allow those corn-laws to oppress them — will no longer submit to buy wheat or eat bread at the rate of 62*s.* by the quarter on this side of the channel, when as good or better may be had for between 30*s.* and 40*s.* on the other side; if your Lordships shall be compelled, whether you will or no—by the force of reason—to yield; if you should find yourselves unable any longer to resist the demands of the country—when backed by the strength of argument; if your assent to the repeal of those laws should be extorted by the hourly accumulating power of the resistance which all sound principle offers to their continuance, and you should at length give way, unable any longer to maintain the struggle against your own conviction and your patriotic feelings, and should repeal the law which keeps up the price of bread, and of labour, and of every one article that labour is concerned in providing; if from the combined effect of all these very possible changes, the altered value of money, improved manufacturing skill, increased agricultural produce, abrogated restrictions upon the corn trade, to say nothing of accumulated capital, all prices should fall a third or more, and every one thing which money can buy should become cheaper in that proportion—and the sum now bestowed as absolutely necessary for the royal expenditure should thus be really worth so much more, and consequently should really be so much more than it now is, and therefore so much more than is required for that expenditure—I ask any man capable of reflection, candidly to answer this short and plain question—what chance would there be of the Crown, or the Ministers of the Crown, or the Parliament itself, coming forward with a proposal to reduce by a third, aye, or by a thirtieth, the income now fixed, so as to give the country any benefit from the alteration produced upon its value by the course of events? Let any proposition, bearing upon the present settlement be but hinted at, and what would be the instantaneous reply? The contract would at once be set up as being conclusive; and the argument so often used during George the 3rd's long reign would be again urged, that it was a bargain for the life of the Sovereign, not to be broken, or opened, or touched—a settlement conclusively binding upon the people—a bond which they never could shake off—irrevocably their law, and absolutely their fate. In short, this is a bargain, which if the Crown finds it advantageous, must be adhered to through all times and all changes with equal tenacity; but if any benefit should accrue to the country from keeping it, and the Crown should find its interest in breaking it, then it may be broken over and over again, just as often as is convenient for one of the parties, and for the protection of the other its value is that of waste paper.

But, my Lords, even if it were fitting and were prudent to follow once more this course, and pretend to fix the civil list for the whole reign, I entreat your attention to the imperfect information which we have upon every matter the most necessary to be known before we can form any estimate of the income required. This much, I think, will at least be granted me, that the longer the duration of this arrangement is likely to be, the more it behoves us in common decency to know, at the least, all the facts which can at present be ascertained, and which bear upon the subject-matter. But will it be believed, that upon the most important part of the whole we are utterly in the dark?—that upon the amount of the income we are settling, we are all totally without information? Incredible as this may appear to be, it is yet strictly true. The whole question before us is, how much shall be bestowed upon the Sovereign for the due maintenance of the royal dignity. But, in order to ascertain this, it is absolutely necessary to know how much the Sovereign has already, independent of our gift. The measure of our gift is to be the necessities of the Crown; more than is required for the state and splendour befitting a limited Monarchy we have no right to grant; more than that there is no one thoughtless enough to dream of. If the Crown had nothing wherewith to meet the expenses, we might be said to know what we are doing when we fix a certain sum to meet the demand; but as the Crown has other revenues, all that we are now about, is fixing a sum, which, in addition to these, shall be adequate for the Royal occasions. Well, then, the amount of these revenues we know nothing whatever about. No one is disposed to make a niggardly provision; all are agreed that the income which the exalted station makes necessary, shall be given; but more than is necessary no one pretends to call for; and the question being how much shall be added to a certain income in order to make the sum total as much as is required, we are desired to answer that question without being told what the income is which is to be thus increased. We are only asked to do the impossible thing, of finding out how much must be added to an unknown quantity, in order to make a given sum—nothing more nor less. It is no question whether 385,000*l.* shall be given or not, or rather 395,000*l.*, for the sum proposed is 10,000*l.* more than was found enough for the two last Sovereigns: one of them no very rigid economist, and the other having heavy expenses which the country could not provide for—and yet it was found that his income though 10,000*l.* less than is now proposed, exceeded by 20,000*l.* what was required—but that is not the question we are upon; nor are we asked to consider whether any of these sums, 395,000*l.* for example, is sufficient to maintain the dignity of the present Sovereign; but the question is this — The Sovereign is possessed of an income with which this arrangement is not to interfere; by how much is that deficient?— how much must be added to that income, in order to give the Sovereign a revenue such as her station requires? - and of that income we know nothing at all. It never surely can be contended that the revenues of the two Duchies are private property, or any thing like private property. I should like to hear such a proposition advanced in this age and in this House. I should like to see the man endued with the courage to maintain it.— I should like to see the man among your Lordships, whether on the ministerial or on the opposition benches, gifted with the confidence which must be exhibited by him who would affirm that Cornwall and Lancaster are private and personal property, and not public funds, vested in the Sovereign only as such, enjoyed as Sovereign, and in right of the Crown alone, held as public property, for the benefit of the State, and as a parcel of the national possessions. These revenues are just as much public property bestowed by former laws upon the Monarch for public purposes, as the sum we are now adding to them, wholly in the dark as to their amount, is public property bestowed by this law. Now respecting the amount of these revenues we are utterly ignorant, as indeed we are of every one particular relating to them. The debate upon my motion to produce a return of the sums really received by the Crown from these sources, comes on to-morrow, and to-night we are to fix what addition it is necessary to make, in order that the Crown may yearly have enough to defray its necessary expenses. To the production of this information now, can there possibly be any objection? You ask for money to make up a deficiency, and you won't tell us what you have got already, by which, of course, the deficiency is to be ascertained. I heard, indeed, the other night some difficulty raised, certainly not by the Government, as if there were oaths taken by the duchy officers which bound them to secrecy. My noble Friend (Lord Holland) near me, knows more of the obligations under which they are in the Lancaster department; but as to Cornwall, by far the most important in every respect, I know that there is not the least pretence for such a statement. The officers who take an oath of secrecy are the Members of the Duke's council and no others; but the officers who alone know any thing about the revenue take no oath of the kind, and from them it is that the councillors must obtain their information. They, the councillors, only swear to keep secret the Duke's counsel; but supposing they are bound not to tell what the unsworn officers have told them, all we have to do is to pass by the sworn councillor, and seek for information from the unsworn officer. Indeed it so happens, that when there is no Duke of Cornwall, and the Duchy is in the Crown, there is no council, and the affairs of the Duchy are invested in commissioners, my noble Friend (Lord Duncannon), the Lord Privy Seal, and others, who none of them take any oath at all, and yet they must be in possession of the information we want; for as their commission is to look after "the better management of the Duchy," they must needs know its revenue before they can see to its improvement. However, there is not a pretence, nor even the shadow of a pretence for this concealment; information has been communicated in courts of justice, bills have been filed to set aside Duchy leases; the Duchy has called upon its own officer, its Surveyor General, at the very head of the revenue department, to answer on his oath touching the affairs of that department, and the legal advisers of that officer have been furnished with information by the other officers, in order that they might use it in the conduct of his cause. The objection from a supposed oath is therefore wholly groundless; and I must add, that even if there were such an oath, unless there also were shewn a clear legal warrant for taking it, no such obligation of secrecy could stand in the way of the high authority of Parliament, any more than it could prove an obstacle to the inquiry of the Courts of the realm upon matters within their jurisdiction. We must, therefore, dismiss all consideration of oaths from our view, and then the question remains, Why we are left without the necessary information, and yet required to decide as if we had it before us?

I will now state a few particulars respecting the Duchy of Cornwall, in order to shew your Lordships how important the subject is, and how entirely we are mistaking our way in legislating hastily and partially on the present important occasion, instead of waiting till the facts are before us and then making one general arrangement of the whole Crown revenues, for the benefit alike of the Crown and the country. I think you may rely upon the accuracy of my information as far as it goes, for I have taken pains to draw it from authentic sources, without, I do assure you, having asked any one to violate the obligation of his oath.

There are, belonging to the Duchy, between thirty and forty manors in the county of Cornwall, ten having been sold to redeem the land-tax upon the whole estates. There is, beside the manorial rights, a considerable extent of demesne land, and independent of all surface property, there are very extensive and valuable mineral rights all over the county. This is exclusive of the possessions of the Duchy, which are most valuable, in many of the other counties — Devon, Dorset, Somerset, Surry, Norfolk, Herts, and as far as Lincolnshire. There may be, in all, upwards of a hundred parcels of property of various kinds, manorial, and demesne, beside the mineral rights. I mention this to meet the doubt expressed by the noble Baron opposite (Lord Ellenborough), whether a return of the fines received for the last seven years would be any test of their amount in future. It is clear that in so many estates the fines will be renewable at various times, and thus that an average may easily be obtained.

Now, the property to which I have adverted, is let upon lease, for lives and for terms of years, and in either case upon a moderate rent, sometimes raised indeed, but with large fines upon renewal. For the twenty-five years between 1713, the late Duke's majority, and 1808, the average rents were from 3,000*l.* to 4,000*l.*, the average fines from 5,000*l.* to 6,000*l.* a year; but these were years of comparatively small receipt. During the minority there had been received considerably more than 10,000*l.* a year, for about 225,000*l.* was paid out of the net revenues for the Prince of Wales's expenses, and it was never pretended that this was anything like the net profit upon the whole estates. Between 1808 and 1813 there were received in fines only, no less than 129,000*l.* in the space of five years. For a renewal of the lease of that valuable but small piece of ground called Prince's Meadow, which adjoins Waterloo Bridge on the Surry side, no less a sum than 55,000*l.* was taken; and for a renewed lease to the Corporation of the ground called Sutton Pool at Plymouth, a sum of 12,000*l.* The term of years in each case was 99, but there was a rent reserved of 4,000*l.* in the one and 1,000*l.* in the other, both to commence in 1841; so that whatever may be the unknown amount of the present Duchy income, we know that in three or four years it must on these two parcels of the estates, be increased 5,000*l.* a year. But let us consider the fines; on these two parcels they amounted to 67,000*l.* leaving of the whole sum of 129,000*l.* received, 62,000*l.* raised by fines upon the other leases renewed during these five years. Now, these other leases were not for years, but for lives, all of which will drop in about three years. They are almost all comprised in four leases of valuable mineral rights, which will enable the Crown to raise almost immediately, a sum of at least what was paid at the last renewal, namely, 62,000*l.* But the Crown will inevitably be enabled to gain a very great deal more; for since 1810, the value of mining property has greatly increased from the improvements in machinery, in the scientific knowledge and mechanical skill brought to bear upon the management of all underground property, and also from the general accumulation of capital. It would, therefore, by no means be too sanguine, or too bold a calculation to estimate the sum of money which the Crown, that is the reigning Sovereign may immediately after this civil list is settled, obtain upon these four leases at 80,000*l.* 90,000*l.* or even 100,000*l.* I have conferred with persons to whom the subject is familiar, persons themselves largely engaged in mining pursuits, and I will venture to affirm that I speak within the mark very considerably, when I put the least sum which can be expected to accrue from this source, at 80,000*l.* It is said, indeed, that the Sovereign, may instead of taking fines, raise the rents, which would only effect an increase of the Royal income we now are settling blindfold. But what security have we that any such thing will be done? How can we know that the improvident mode of fines will not be again resorted to? All we know is, that every thing is left unprovided for by this Bill; that it depends upon the will of the Monarch, whether large sums of money shall be taken at once and the Duchy revenue impoverished for years, or whether the just and prudent course shall be adopted of permanently raising the rents of the estates; and we also know that this Bill, so far from affording the least security against the bad or for the good plan of management, does not in any manner of way touch the subject, or so much as mention the Duchy from beginning to end. How, indeed, could the Bill make any provision respecting these things, when we see in what manner it has been, I will not say hurried, but carried, through Parliament, in all its stages and in both Houses? Not only has it been absolutely impossible that it should contain any settlement of this important affair, satisfactory to the people and becoming the station of the Prince, but any settlement at all—nay, any reference to those ample revenues; nay, time has not been allowed in the extremity of our dispatch, for making a mere statement of their net amount. That was to have come to-morrow, and we are assembled on this unwonted day (Wednesday) to pass it, in order that no time may be lost, or rather given to put us in possession of the necessary information. The income of 395,000*l.* a year is to be given to the Sovereign, who may on any day raise a vast additional sum by anticipating the rich revenues of the Duchy, that is of the future provision of the Duke of Cornwall, for whose support, as heir apparent, the Constitution has provided them. And here, my Lords, when I speak of the Sovereign, I must be understood only to adopt that expression for shortness sake, meaning always the responsible Ministers of the Crown. Nothing can be more reprehensible than the constant introduction of the Sovereign's name, and the constant allusion to the Sovereign as an individual, of late so much in vogue amongst us. My noble Whig Friends have carried this Tory practice to the utmost extent; the Ministers are hardly any more alluded to, than if there existed no such persons; and yet the old doctrine of the Constitution — the Whig doctrine of which we have got so wide under Whig auspices,—used in my younger days to be that of Kings and Queens we knew nothing in Parliament, but only of their servants and advisers. I, therefore, if I might be permitted such an old-fashioned liberty, would venture to name the Minister of the time being, and remind your Lordships that there is nothing whatever to prevent him, whoever he may be, my noble Friend, or the noble Duke, or some one as yet not known amongst us, from taking fines to the amount I have mentioned, and advising the Sovereign to spend the whole in any way he chooses, and for any purposes however extravagant, or however unconstitutional. None of these parties are bound by any thing in this Bill, for adding near 400,000*l.* to the fixed Royal income — or by any pledge given upon passing it—or by any promise made here or elsewhere—or by any statement, or intimation, or by any hint or understanding; none of them are in any way bound to have the Duchy revenues providently and honestly managed without anticipation; the Minister of the day may help the Sovereign of the day to such fines as will impoverish the Duchy for half a century to come, and no one will have a right to say, it is against the faith of any treaty, in breach of any contract, in contravention of any understanding whatever. The four mineral leases, to which I have alluded as worth 80,000*l.* or 100,000*l.* for converting future revenue into ready money, are not by any means all; there are other sources of as abundant supply to the Royal purse. For instance, there is the Kennington Estate in the near neighbourhood of this House; it is Duchy property, and the lease has actually expired. The fine for renewal was, I know, some years ago assessed at 100,000*l.* but the lessee declined to renew — that he would have given 80,000*l.* or 90,000*l.* there cannot be the least question;—but I make no kind of doubt that the Duchy officers were well advised respecting the value, and that the full 100,000*l.* will, if wished for, be obtained. Upon these five parcels of property then, now and during the next two or three years, a sum of near 200,000*l.* may be obtained for the Sovereign, if the course hitherto pursued shall be persisted in, and the reigning Prince be advised to enrich himself at the expense of the Duchy. No provision upon this branch of the revenue is made by the Bill; nor any information at all given to us upon the subject. Nothing, however, can be more clear, than that the present arrangement should not only be made with a full knowledge of that subject, but that the arrangement should comprehend the settlement of the Duchies on a right footing, by the transfer of Cornwall as well as Lancaster to the public, and the placing their administration under the ordinary departments of the public service, making fair compensation to the Crown or the Duke for the surrender. What do your Lordships think is the charge of managing these Duchies as their affairs are now administered? Of Lancaster I am not able to form so accurate an estimate; but I know that the gross revenues of Cornwall for the years from 1810 to 1819 inclusive, amounted to 333,000*l.*; and what think you was the net revenue, for the proportion of the net to the gross is the test of good management? Why, only 228,000*l.*—so that one pound in every three was taken, absorbed, for the cost of collecting and managing the whole. Match me that if you can, in the worst managed estate in any part of the United Kingdom! Shew me the man who submits to one pound being retained in the country or lost by the way, for every two that are paid into his account at the bankers! Another striking instance of mismanagement is afforded by the encroachments which are made every where upon the duchy domains. What think you of an estate of five and forty acres, having, within the period of two or three generations, extended to 200 of good arable land, without any miracle, or any fresh grant, without any gain from the sea by embankment, or the deposit of any alluvial soil? The extension was effected by the address and industry of one party, the proprietor, and the carelessness of the other party the duchy authorities. When asked by one who recollected the old bounds of the farm, how all this increase had been effected, the party now in quiet possession of the extended domain, answered innocently enough in his Cornish dialect, that it was all owing to his grandfather being a careful man and good at hedging by candlelight. Such care and such skill never could have succeeded in adding one acre to the possession, had the neighbouring property belonged to a private individual, or been under the management of my noble Friend (Lord Duncannon,) at the head of the woods and forests. A course of encroachment which increases men's estates tenfold within living memory at the expence of the public never could last six months after the affairs of the duchy were brought under the superintendence of that vigilant department.

But the other encroachments of which I have been speaking are still more deserving of reprehension, I mean those of the reigning Sovereign upon the duchy revenues, by fines, and other means of anticipation. Your Lordships are aware that the eldest son of the Sovereign, who is always created Prince of Wales, and Earl of Chester, is born Duke of Cornwall. For his support, and the maintenance of his state and dignity, as heir-apparent to the crown, the revenues of the duchy are provided. While there is no Duke, and during his minority, those revenues are vested in the Crown; and although it is very possible that, if well managed during the abeyance of the title, they might suffice for the purpose when a Duke came into existence, this is altogether hopeless if the Sovereign be suffered to exhaust the sources of regular income by anticipation. What is the consequence? The nation settles what is supposed an adequate income on the reigning Sovereign; the duchy estates are appropriated to the support of the heir-apparent; and the reigning Sovereign being allowed also to exhaust and pervert all the revenue of the duchy, the nation has afterwards to support the heir-apparent also. I have indeed heard of a very different account of the matter being given in another place. It has come to my ears irregularly enough I admit, that a right hon. Friend of mine (the Chancellor of the Exchequer) has there painted things in far other colours. If I could at this moment, without greater irregularity still, address myself to him, aware that what I speak he is now hearing,* I should add that he confounded some present on the occasion I allude to, almost to suffocation, by affirming that the duchy revenues were for the Prince of Wales's support, and that therefore he never came to Parliament for any grant of money. Was ever yet witnessed such profound ignorance of financial history? Was ever yet displayed such astonishing unacquaintance with princely natures? The heir apparent live upon the reduced Cornish revenue? The Prince of Wales never come to Parliament for money! Why, within seven years of his birth, the expenses of the King's family were given as a reason for debts of half a million having been incurred, which the country immediately paid; and in nine years more, the same plea obtained a still larger sum, with an addition of 100,000*l.* a year, to the final settlement of 1760! But grant, that on the Prince of Wales's coming *in esse*, and during his minority there was no specific application made to Parliament on his behalf,—the instant he came of age a message was sent down, and a sum of 50,000*l.* a year granted, over and above the revenues of the duchy,—those revenues which we are told preclude all occasion for an application to Parliament. From the hour that he became of an age to be capable of spending money, the public treasure was lavished in providing for his support, and in enormous sums from time to time to pay his debts. What, then, can be more wild than the pretence that the duchy revenues should be withheld from the public, because they are a provision for the heir-apparent, unless it be the yet more extravagant inconsistency of pretending that you are keeping them for this purpose, and all the while suffering the reigning Sovereign to use them at pleasure, anticipating the income as often as money is wanted for any purpose, and reducing the amount to be afterwards enjoyed by the Prince?

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* The Chancellor of the Exchequer was sitting near the Throne.

I think, my Lords, that I have said enough to demonstrate the absurdity of proceeding in the present arrangement without having before us all those heads of information; the great impolicy of making a partial and perpetual settlement of the royal revenue; and the improvident, unstatesmanlike precipitancy with which we are hurrying through this measure, instead of laying on the present occasion the foundation of a general and systematic plan which may comprehend all the branches of the Sovereign's income, and secure to all of them an efficient and beneficial administration for the future. But there is another part of the Bill upon which I feel it necessary to make one or two observations: I mean the project for new-modelling the pension list, and enabling the Crown to grant so many pensions yearly as amount to 1,200*l.* in the whole. This is a matter of great moment, and it is beset by no ordinary difficulties. That the power of rewarding merit, whether displayed in the immediate service of the state, or towards mankind at large, should exist somewhere, cannot be questioned. If that high and peculiarly delicate discretion is vested in the Sovereign, perhaps upon the whole the most unexceptionable arrangement, I yet am well aware of the abuse to which its exercise is liable. I have no fear of corruption, or of any gross abuse, so long as Parliament shall be informed of the grants made from time to time. It is rather the careless use of this patronage that I am apt to dread, arising from ignorance of the subject, and from indolently yielding to importunity. There must also be admitted to exist some risk of giving men of letters that habit of looking for court favour, so fatal to independence, and so often turned to a bad account in the monarchies of the Continent. Yet all this may be practised without any pension list, practised in corners where the eye of scrutiny cannot pierce, or the finger of reprobation point, by the abuse of other ample funds vested in the Crown, should the disposition to corrupt learned men exist, and be met by a willingness on their part to stoop from their proud eminence, and degrade themselves into the servile creatures of a court. Then I must look at the other side of the picture, and that leaves me no room to doubt that the evils which beset the steps of genius, demand relief; nay, that there must be the means provided of removing the actual obstruction to its career. I know so much of the struggles which are so often made by those great men—the lights of the world, born to exalt human nature, to stretch the views and the power of man by the conquests of science, and whose lowest title to our gratitude is, that their immortal labours polish, and multiply, and enrich all the arts of life. Following at an immeasurable distance, and, as it were, only with the eye, their bright path—slaking my thirst at the sources which they have opened,—or humbly bearing into darker regions the sacred light which their genius has kindled, I know how often it has happened that their course has been impeded by craving wants; that they have been fain to quell within them the desire of original investigation, to tame down their lofty spirit, and quit the congenial pursuits that were leading them on to extend the empire of science, or giving them to enchant countless ages with the inspirations of their fancy—for the humbler occupations that minister to the wants of frail humanity. Aware of this—having present to my mind such necessities as these, and the inevitable consequences of their not being relieved—can I hesitate in agreeing to some provision being made for removing such obstructions, and enabling the greatest benefactors of mankind to prosecute their highest vocation.

But even this part of the arrangement is liable to the objection I have urged against all the rest. We are legislating precipitately, and without the requisite information. In what position is the question at this hour? A Committee has been appointed by the other House to investigate the whole subject. Has its report been approved? It has not even been considered. Has it been made? It is not yet drawn up. Has the Committee agreed upon any report? It has not examined a person, a paper, or a record. Has it proceeded to business at all? It has not yet met. It is barely appointed; it is only called into existence, after a stormy birth, and many a struggle for life; it is just alive, and no more. No man can divine what it may do when it comes to mature strength, and can act. No conjecture is offered of what may be the result of its labours, or so much as what course they shall take. And yet we are called upon to settle the pension list upon a very hasty and crude suggestion thrown out in quite another Committee. The Committee appointed expressly to consider pensions has done nothing; all men are anxiously awaiting its proceedings. The Committee on the civil list having no particular commission to consider pensions, makes a report as meagre and scanty as possible on the civil list, and throws in a hurried and ill-considered remark upon a subject not belonging to its inquiry. We are desired to legislate irrevocably touching pensions upon this remark of the Civil List Committee, and not to wait for the report of the pension Committee! If we had been about making provision for the pensions during a life of sixty, as in George 4th's case, or of sixty-eight as in William 4th's — even then such thoughtless haste would have been indecent. But we are providing for a life of eighteen; and such is the impatience, not only of a day's delay, but of all inquiry and all discussion, that in the absence of the information which a Committee has been appointed expressly to obtain, we are to catch at and grasp a chance expression in another Committee's report, and sitting on unwonted days, and assembling at unaccustomed hours, we hurry through the Bill which is to make law for half a century, in breathless impatience, for fear that by the least delay we should postpone our decision until the materials for making it are before us! But if all this haste was necessary, and not an instant of time was to be lost, why, let me ask, were we not called together earlier in the season? In 1830, we met at the beginning of November instead of the end. In former years, when the war raged, we were assembled in September. I ask my noble Friend at the head of the Colonies (Lord Glenelg) why did we not meet as early now? Would it not have been expedient to profit by the wisdom of Parliament, for adopting some definite course upon the great question that now agitates our principle settlement in America? Ought we not betimes to have resolved at least upon some principles of conduct, and steadily pursued them, instead of letting our precipitancy in one thing rival our slowness in another, and our vacillation of purpose where decision was required, maintain the strife with our pertinacity when the truest wisdom was to retrace our steps? Ought we not to have so early met the great council of the nation, as to give time for correcting, by the help of experience, the fatal errors of last May? If those who preceded us could aforetime meet in the Autumn, that the work of slaughter might be done, ought not we to have been early convoked, for the more blessed labours of conciliation and peace? Then there had been no occasion for that hurry which has marked every step in this measure, and must for ever sink its value to nothing in the eyes of all reflecting men. As many months and weeks would have been given as we have now had days and hours for considering all its provisions; and the same wise foresight and deliberate prudence which presided over the whole settlement for supporting the Crown, would have preserved the brightest of the jewels that it still retains.

But I have done my duty—I have unburthened my conscience—I have relieved my own mind. It remains that I render my thanks to your Lordships, which I sincerely and respectfully do, for the patience with which you have had the kindness to hear so many things in which you disagree with me, and which are not listened to without uneasiness, any more than they can be delivered without pain. It has indeed been my irksome task to obstruct you in the course all seemed most anxious to pursue with little reflection and no delay, and to obstruct you by a recourse to principles now, I fear, out of date—the principles of legislation, sanctioned by the spirit of former precedent, and the analogy of constitutional law. This unwelcome office you have suffered me to perform, and my humble thanks are your due. Will you indulge me with your attention yet a moment while I advert to the singular predicament in which the Sovereign is placed for whose high estate the provision that we are making is destined? It is wholly unnecessary that I should profess those sentiments of dutiful attachment which bind all of us to the illustrious House, called by the choice of the people to preside over the destinies of these realms. Nor does any one among you all rejoice more sincerely than I have done in the enthusiasm of affection which has burst from all her subjects, to greet the accession of the reigning Monarch. They have generously let expectation usurp the place of gratitude. They have taken counsel with hope, rather than experience. For as memory scatters her sweets with a cold and churlish hand, it has been found more pleasing to array the object of the general love in the attire of fancy; and as fervent a devotion has been kindled towards the yet untried ruler, as could have glowed in her people's bosom after the longest and most glorious reign, in which she should have only lived and only governed for the country's good; by some chronic miracle, escaping all error and all failure, and only showering down blessings upon mankind. I heartily rejoice in this enthusiasm, and I do not complain of it as premature. I rejoice in it because it must prove delightful to the royal object of it. I rejoice still more because I know that it will stimulate the Queen to live for her country, in order to earn the affections which have already been bestowed, and justify the opinion which has been formed and is so fondly cherished upon trust. But most chiefly do I rejoice, because it extinguishes for ever all apprehensions of the English people's loyalty and trustworthiness; puts to shame all who would represent them as disaffected towards Monarchical institutions; demonstrates the safety of entrusting them with an ample measure of political rights; and teaches to statesmen this great practical lesson, that the more we extirpate abuse from our system, the more searching we make our reforms, the more we endear the Constitution to the people by making them feel its benefits—the safer will be the just rights of the Monarch who is its head, and the stronger will be the allegiance of the subject who cheerfully obeys. So that far from dreading the policy which would strengthen the people's hands by confirming their liberties and extending their rights, we ought to pursue this course for the sake of the Monarchy itself, which we shall thus better entitle to the people's affections, and render, because more beloved, more secure.

Bill read a second time.

Lord Brougham entered the following protest:—

‘ ‘ PROTEST

“ AGAINST FURTHER PROCEEDING WITH THE CIVIL LIST BILL.

“ Dissentient,

“ First,—Because it is inconsistent with every sound principle of legislation to make provision for so important a branch of the public expenditure as the civil list, by an arrangement which is to last for the life of the reigning Sovereign, inasmuch as through a period of time most justly desired and reasonably expected to be of long duration, the whole circumstances may vary to which the terms of the arrangement must be adapted, and the sum now allotted may be found either too small or too large for the appointed purpose.

“ Secondly,—Because such variations are more especially likely to happen through the changes which may take place in the relative value of money, and all articles of consumption, by the fluctuating supply of the precious metals, the increased powers of machinery, the improved skill in other respects brought to bear upon manufactures, the progress of agricultural improvement, and, above all, the improvement of our legislation upon the importation of foreign corn, which would at once lower the price of all commodities, and give an entirely different real value to the nominal sum now allotted, as necessary for the expenditure of the court during the period of the Sovereign's natural life, upon an assumption, altogether gratuitous, that prices will undergo no change.

“ Thirdly,—Because the arrangement is also framed upon an assumption, if possible still more gratuitous, that the habits of society will remain fixed, and that one generation after another will pass away without effecting any change in the opinions and tastes which must always form the standard of the establishment required to support the Royal dignity at any given time; while, if the object of the arrangement be to fix these opinions and tastes in their present frame, or in one more antiquated, and to arrest their future course, it must be confessed that no attempt can be conceived more visionary and chimerical.

“ Fourthly,—Because all experience has shown that the civil list arrangement is only held binding upon one of the parties to it—namely, the country—being always departed from as often as it is found inconvenient for the Crown, and uniformly used to preclude all revision of its principles or details as often as these are found disadvantageous to the country.

“ Fifthly,—Because the last time that a civil list was settled upon a royal life of long probable duration, to wit, in 1760, before nine years had elapsed, Parliament was called upon to re-consider the arrangement, and about half a million was paid to defray the arrears of the royal establishment—and in eight years more about six hundred thousand pounds were again required to supply a like deficiency, not to mention various other similar applications during the remainder of the same reign: all of which clearly shows, that what is constantly treated as a compact between prince and people, when the interests of the latter are concerned, is as invariably deemed to impose no obligation whatever on the former party when his interest requires the compact to be disregarded.

"Sixthly,—Because that which experience has proved to have been unwise and improvident nearly eighty years ago, ought to be still more jealously regarded at the present day by those whom the Constitution has appointed to be as well the guardians of the people as the Councillors of the prince; for the public debt has, during that long interval of time, been increased nearly tenfold—the peace establishment been more than quadrupled—and the sums raised from the country are above five times as large, and weigh upon its industry and resources with a pressure against which even its increased population, capital, and skill, can with the greatest difficulty maintain a struggle.

"Seventhly,—Because the course, obviously recommended by every rational view of the subject, would have been to pass the bill for a limited number of years, when the whole matter might again have come under the consideration of Parliament; and this would not have been so great a departure from ancient usage as has been made upon former occasions, and even in the reign of Charles 2nd, when the devotion of all men to the throne, and the dread of change, appeared to have reached their greatest height.

"Eighthly,—Because the unexampled haste with which this measure has been carried through both Houses, has prevented the information from being in possession of either which it was absolutely necessary to have before it could be at all known what the revenue of the Crown will be after the grant is made. In particular, we are entirely ignorant of the sums actually derived from the Duchies of Lancaster and Cornwall, and only are aware that those revenues are very considerable; that they are managed at a heavy cost; and that as the law now stands, and as this bill leaves it, the larger portion of them may be anticipated at any time, by way of fine, to the immediate profit of the reigning Sovereign, and the impoverishment of the future heir-apparent, for whose support they are believed to have been given, but whose expenses being always defrayed in by far the greater proportion by the country, the revenues in question ought to be placed under the management of responsible functionaries, and administered for the public benefit.

"Ninthly,—Because the like haste has been shown in passing this bill's provision, regarding pensions, before the Committee now engaged in considering that subject has made any report; and when it is impossible to foretel how far its inquiries may bear upon the policy of the proposed arrangement.

"Tenthly,—Because ample time might have been afforded for considering the whole of this important measure, and for passing it into a law, with all the requisite information before us, in such a matured form, and at such an early period, as might have testified the respect justly due to the Sovereign as well as the duty we owe to the people, if the Parliament had been assembled at such a period as the other interests of the Empire seemed plainly to require; more especially if, as early as it has been summoned in past times when the work of war was in hand, and required supplies of men and money, it had now been called together for the more blessed labours of peace and conciliation, to retrace the steps of oppressive injustice, to save the remote dominions of the Queen from the horrors of civil warfare, and to spare the mother country the hard necessity of bearing a part in such a conflict.

(Signed) "BROUGHAM."

CORPORATIONS, &c.] The following Protests were also entered against the Municipal Corporations Declaration Bill, which was read a third time without any debate.

"Dissentient,

"1. Because the declared purpose of the Bill is to relieve persons whose conscientious scruples prevent them from complying with the existing law, and it is the avowed principle of the Bill, that no class of men ought to be excluded from civil office on account of their religious opinions. Nevertheless, the operation of the Bill is confined to three classes of Dissenters alone, as if its principle did not extend equally to all.

"2. Because this violation of principle, and this injustice towards all who are thus excluded from the benefit of the proposed act, is not justified by a consideration of the numbers whom it will relieve, these being a very small though respectable body of persons.

"3. Because, even in the relief proposed to be given to those persons, there is a wide departure from the true principles of religious liberty by the declaration of religious belief which is exacted. This declaration is framed upon the assumption that the State has a right to inquire into the spiritual faith of its subjects, a position which has been the stronghold of intolerance in all ages, and may still, if maintained, be used to defend every kind of persecution.

"BROUGHAM, DENMAN,
"RADNOR, VASSALL HOLLAND."

"Dissentient,

"1st. Because a solemn and public declaration on accepting office in a Corporation, that the person so accepting it 'has conscientious scruples against subscribing the declaration required by an Act passed in the 9th year of his late Majesty George the Fourth,' and that 'he solemnly, sincerely, and truly declares and affirms, that he will not exercise any power, authority, or influence, which he may possess by virtue of the office he so accepts, to injure or weaken the Protestant Church, as it is by law established in England, nor to disturb the said Church, or the bishops and clergy of the said Church, in the possession of any right or privileges to which they may be by law entitled,' affords, in my judgment, ample security against any exercise of municipal authority injurious to the Established Church, in any legal or intelligible sense of that term. In truth, no stronger assurance and no more explicit promise can be devised, or in reason, justice, or charity exacted, from one class of our fellow subjects for the purpose of allaying the gratuitous suspicions and apprehensions of another.

"2ndly, Because, by the words proposed to be omitted, persons who take the benefit of the Bill are called upon to declare themselves 'Quakers,' 'Moravians,' or 'Separatists.' Yet the meaning of those terms is not explained in the Bill—and, whatever it may be, a different one from that which the framers of the Bill intended to carry may be conscientiously assigned and understood by those who take the benefit thereof. The classing of persons who feel a scruple in making the declaration prescribed by the 9th of George the Fourth, under the title of sects, real or supposed, is obviously neither necessary nor useful to give validity or credit to the assurance required to be solemnly and publicly declared and affirmed by the provisions of the Bill.

"The designation of sects who derive no revenues or privileges from the State, and over whose doctrines and discipline the State neither has, nor pretends to have, nor ought to have any jurisdiction whatever, must, in the nature of things, be loose, inaccurate, precarious, and uncertain. It may be invidious and offensive, and it is obviously, on this occasion, unnecessary to the two main objects of the Bill, which are, 1st, to relieve such loyal subjects as are by scruples of conscience excluded from the enjoyment of municipal offices; and, 2ndly, to prevent such persons, when admitted, from exercising the powers they so attain to the injury of the Established Church.

"It is clear that the assurance contained in the latter part of the declaration in this Bill must, in the judgment of its framers, be quite sufficient to relieve those who scruple to make the declaration prescribed by the 9th of George the Fourth, inasmuch as, unless they were willing to give that assurance, the whole Bill would be null and of no effect.

"It is equally clear that the said assurance cannot, in any degree, be weakened or impaired by the person who makes it omitting to give to himself, or those with whom he concurs, names and descriptions to which no definite or legal meaning is annexed. It follows that, if the words prepared to be omitted had been struck out, the two direct purposes of the bill, namely, the relief of tender consciences and the protection of the Ecclesiastical Establishments from all hostile exercise of municipal power, would have been adequately fulfilled; and I am at a loss to discover what advantage can be derived to Church or State, or to the interests of the community, by exacting from conscientious men a designation of themselves or their brethren, which amounts to little more than a nickname for the sect to which they are supposed to belong.

"3rdly. Because the introduction of these denominations in the declaration may, in my apprehension, lead to vexatious litigation, and such litigation to yet more vexatious inquiries respecting the theological and speculative tenets of individuals—inquiries on principles unjustifiable, and in practice injurious to religious liberty. The right of a man to substitute the declaration proposed by this Bill for that enacted by the Act of George the Fourth, might be questioned on the score of his not being as he professed to be in the declaration, a Quaker, a Moravian, or a Separatist; and the court of law called upon to try his right under the words of the statute would thus be compelled to pronounce judgment on the character of his religious creed, a jurisdiction which no human or at least no regular tribunal has the right or the means to assume, and which is more accordant with the spirit of the inquisition of Rome than consistent with the habits and professions of a Protestant community and a free people.

4thly. "Because I adhere to the reason of a dissentient to an amendment in the declaration of the 9th of George the Fourth, which was entered and signed in the Journals of this House on the 25th of April, 1828, and I cannot directly or indirectly sanction the opinion that 'any particular faith in matters of religion is necessary to the proper discharge of duties purely political or temporal.'

(Signed) "Vassal Holland,

"And for the three first reasons.

"Radnor, Denman."

HOUSE OF LORDS,

Thursday, ecember 21, 1837.

Minutes.] Bill. Read a first time:—Prisoners Conveyance (Ireland).

Petitions presented. By the Earl of Shaftesbury, from the Clergy of Lincoln, for a repeal of the Registration Act.—By Lord Wharncliffe, from the Medical Men of Cheltenham, for an alteration of the Poor-law Act with regard to Medical attendance upon the Poor.—By Lord Brougham, from the Prisoners confined in Bath Gaol, in favour of the Imprisonment for Debt Bill.

Poor Laws—Medical Relief.] Lord *Wharncliffe* presented a petition from surgeons and medical practitioners of Cheltenham, signed by nearly 200 persons complaining that under the provisions of the Poor-law Bill, sufficient medical assistance was not afforded to the poor. They stated that the remuneration offered to medical men, was wholly inadequate to the labour, and that, from the great extent of some of the districts, it was quite impossible to afford the necessary assistance. The prayer of the petition was, that their Lordships would appoint a Select Committee, fully to inquire into the operation of this part of the Poor-law Bill. He could not concur in the prayer of the petition, and he had written to the petitioners to that effect, informing them at the same time, that there was a Committee of the House of Commons sitting on the subject of the Poor-law, by whom their complaints would be investigated. In his opinion, the time would come when it would be found that the present Poor-law was much preferable to that which had formerly prevailed. He believed, that if the New Poor-law system had been gradually introduced into those places where riots had recently occurred, those disturbances would have been avoided.

Lord *Ellenborough* was of opinion that the petitioners had attacked the least vulnerable part of the Bill. Under the law, the pauper received medical assistance gratis, which a man in full employment could scarcely command. The sick pauper was allowed broths, porter, and other comforts, he would not call them luxuries, which the working labourer could not purchase.

The Earl of *Radnor* observed, that in his neighbourhood an opportunity was given for a report to be made to the board of guardians, as to whether individuals under medical care were or were not satisfied with the treatment which they had received. He understood, that, whenever the New Poor-law had been carefully introduced, even in the northern parts of the kingdom, it had given satisfaction, and that objections were raised against it only in those places where they had no experience on the subject. He knew that a great many petitions had been presented to the House from respectable medical practitioners, complaining that the Bill would have a tendancy to degrade the profession by the system of competition. But there were also a great many respectable men, who had since entered into that competition.

Petition laid on the table.

Civil List.—Duchies of Cornwall and Lancaster.] Viscount *Melbourne* said, that in proposing that the House should resolve itself into a Committee on the Civil List Bill, he had a few observations to make to the House in reference to a subject which was in some degree connected with that motion. He saw on the order-book a notice of motion for the production of an account of the net proceeds of the revenue of the Duchies of Cornwall and Lancaster for a certain number of years. It certainly had been intimated on a former occasion that there would be no objection on the part of Government to the production of these accounts. But it had since been ascertained that such information had never been laid before Parliament, and it was felt, that unless such information was granted as a voluntary act of grace on the part of the Crown, it would be an insult to the Sovereign to call for its production. He had already stated that it was the intention of her Majesty's Government to introduce new regulations with respect to the revenues of the Duchies of Cornwall and Lancaster. It was intended to do away with the present system of secrecy as regarded the accounts, to remedy any abuses that might appear to prevail, and to cause the accounts to be regularly laid before Parliament for consideration and inspection. Upon those grounds he would venture to submit to his noble and learned Friend whether it was necessary that he should press his motion.

Lord *Brougham* could assure their Lordships that there was no man in the universe less disposed than he was, after the appeal which had been made to him by his noble Friend, to persevere in the motion of which he had given notice. It appeared from what his noble Friend had stated, that to move an address on this subject, would be at once unfitting and disrespectful to the Crown. If their Lordships thought that this motion ought not to be brought forward, he felt that to persevere in it would be useless. It would only be leading to a debate, or rather to the renewal of the debate of last night. Looking to the support which he was likely to obtain in that House, he saw that he had no chance whatsoever in obtaining the account which he was anxious to procure; and he felt that he had still less chance—indeed he might say—that he had not the most remote possibility of achieving his object, without the assistance of his noble Friend, who, for the reasons which he had stated, would most unquestionably join in the opposition against his motion. He must, however, say a word or two in vindication of the course which he had adopted, as it was asserted that such a course would not be fitting, as it was declared that such a course ought not to be taken, because it would be wanting in due respect to the Crown. He must say, if this were so, that he was not the only person who laboured under a mistake in supposing that it was neither unfitting, nor unprecedented, nor in opposition to that respect which was due to the Crown, to adopt the course which he had pursued. He gave his noble Friend notice of the motion which he intended to make, and he entered on the motion-paper the very words of that motion. He produced his intended motion to his noble Friend, in order that he might communicate it to his noble Friend the Chancellor of the Duchy of Lancaster, to his noble Friend, the Lord President of the Council, and to his noble Friend, who presided over the department of the Woods and Forests. He did this that it might be considered—yes, that it might be maturely considered—whether it would be right or not to comply with the terms of that motion. That paper was given to his noble Friends—they had it in their possession for twenty-four hours—and then a communication was made to him, that there was no possible objection to the production of the papers—that they had communicated with the Chancellor of the Exchequer, the proper officer, no doubt, and that no opposition would be given to the motion. Now, he would ask, whether, under these circumstances, he could be charged with the *onus* of taking a course which was manifestly unfit—which was wholly unprecedented—and which showed a want of due respect to the Sovereign on this question? He certainly thought not. Neither were his noble Friends accomplices with him on this occasion—they were not parties in any conspiracy. He held that he had committed no offence under any one of these three separate heads of charge; and there being no principal offender, there could of course be no accomplices. He hoped that his noble Friends would excuse him when he thus defended them from the imputation which had been cast also upon them when it was directed against him. But he would appeal to their Lordships whether, at all events, he did not stand abundantly acquitted from such an imputation? How stood the case? They were called on to vote hundreds of thousands a-year on account of the civil list, for perhaps half a century, and the question was, or ought to be, "What is the amount of the revenues of the Crown derived from other sources?" And in order to ascertain that point before it was too late, in order to arrive at that information which ought to influence their vote, he called for certain documents. Now, however, it turned out that that was not the proper course of proceeding; the proper mode, it appeared was to vote the money first, and to make calculations on the information which they might receive with reference to the necessity that existed for the vote afterwards. He had heard on all sides expressions of surprise at the adoption of such a preposterous course, the doing that first which ought to be done last. Oh! but they had for adopting this preposterous course the authority of the Commons House of Parliament—the guardians of the public purse—the jealous watchmen over the funds of the country—those who were sent to represent the people in the people's House of Parliament—whose voice was the voice of the free people of this country. He hoped, however, that they should never see the voice of the people put down in that House by any juggle, by any collusion between the chair and the Treasury benches, by any stifling of that voice on petitions, or debates on petitions, by which debates on petitions, he would say, all the great victories ever gained in that House—their own House—by the people against a borough-mongering Government were achieved. He hoped that they should never see that House less jealous hereafter in the exercise of its functions than it had heretofore proved. But, for the present, a cloud appeared to have passed over the Representatives of the people. Something seemed to have lulled their senses—to have charmed away their activity—to have removed their watchfulness over the purse of the people whom they represented. It did happen, indeed, that their Lordships were charged with taking too much care of the purse of the people. It was asked "Why are you more careful, why are you more watchful than the people themselves, or than those who are supposed to speak the sentiments of the people?" He could not answer that question, but he believed that before long the people might awake, and then they might ring a peal in the ears of the Parliamentary guardians of the public purse, the echo of which would be remembered, not only to the last hour of the official existence of the present Government, but to a much later period—to the last hour of the life of the youngest public functionary in the country.

Lord *Ellenborough* was aware that within the last four or five years numerous instances had occurred in which that House had asked for information respecting public expenditure, which the House of Commons had either not asked for, or which, if it had been asked for, was refused. In his opinion it was essential that they should obtain all the information possible to be acquired, in order that they might be enabled to legislate safely. On these grounds he did not think that the noble and learned Lord was justified in withdrawing his motion. There was, however, an objection to the noble and learned Lord's motion.

Lord *Brougham* :—If the noble Baron is going to argue the question, I will go on with my motion.

Lord *Ellenborough* did not mean to argue the question, which had been argued last night at very great length by the noble and learned Lord, when there were very few peers present. He should now observe, in reference to the statement made by the noble Viscount opposite, "that a Bill was about to be introduced for the regulation of the revenues of the duchies of Cornwall and Lancaster," that it was absolutely necessary that such an Act should be passed, because the Crown could not grant a single lease of that property until an Act was passed enabling it so to do. On the accession of William 4th such an Act wa passed, and therefore the subject must now come under the notice of Parliament. An opportunity would thus be afforded for making, as he thought there ought to be made, an entire change in the whole system of the duchy of Cornwall. He saw no reason why a full inquiry should not be made into the enjoyment and application of the revenue of that duchy. In his opinion, an end ought to be put altogether to the renewal of leases on fines. All that ought to be required for the buying in of a new life was a fixed annual rent. In one point of view, the system of fines might not be objectionable, because the fine might be fairly equivalent to a certain rent; but in another point it was bad, it was morally ruinous that a Prince of Wales, Duke of Cornwall, on coming into possession of this property, should, at the age, probably of nineteen, have to receive 90,000*l.* or 100,000*l.* There was no likelihood of a Prince of Wales coming into possession of it for at least twenty years; and advantage ought to be taken of that circumstance to place the property upon an entirely new footing. He did not object to information on the subject; on the contrary, he wished to have it; and his objection to the noble and learned Lord's motion was, that it would afford no sufficient information.

Lord *Brougham* repeated, that for his purpose the information which he asked for would be abundantly sufficient. He was induced to withdraw his motion chiefly from the hopelessness of carrying it.

The motion for going into Committee on the Civil List Bill, was then put by the Lord Chancellor.

The Duke of *Wellington* wished to make a few observations on this subject. He had heard a part of the speech of the noble and learned Lord on the preceding evening, and he was sorry that circumstances had prevented him from hearing the whole of it. The noble Viscount opposite had stated yesterday that he (the Duke of Wellington) had made some objection to a similar measure on a former occasion. It was true that he had done so, and he had the same objection to the measure then before their Lordships. His objection at the former period was that provision was not made for the First Lord of the Treasury, and other great officers of state, to make them independent of an annual vote in the Committee of Supply in the other House of Parliament, and he felt an objection to the present measure on the same ground. He objected, also, to what was proposed with respect to pensions. In his opinion a sufficient provision was not made for the exercise of the royal bounty. The noble and learned Lord had gone into considerable detail with respect to the inconvenience likely to result from the long period of time during which provision was about to be made for granting pensions. Noble Lords looked at the time, but they did not look at the service which was rewarded. Those pensions were not granted to persons who had performed no services, who had no claims on the country. Many military and naval officers had their names placed on the List in consequence of services which they had rendered the country during the late war. Legislating, as he hoped they were, for the next fifty years, were they, he would ask, making a sufficient provision whereby the Crown could reward naval and military services, when they only granted 1,200*l.* a-year for that purpose? He had also another objection to the Bill—he alluded to that Clause by which the Crown was obliged to state the ground on which those pensions were granted. He had been long enough at the head of the Government of this country to be aware that there were many claims, many well-founded claims, on the bounty of the Crown, nay, on its justice, which a Minister could not successfully defend either in that or in the other House of Parliament. He could state some claims arising out of certain public events, which he was sure that every one of their Lordships would admit to be well-founded. It was desirable, in considering a question of this nature, that both Parliament and the public should be distinctly informed what the amount of the property was which the Sovereign gave up when this bargain of the Civil List was made, and also that Parliament and the public should consider whether there were not claims on the justice and generosity of every individual having large property, and whether it was fitting that the illustrious personage filling the Throne, should be the only individual in the country who could not perform an act of justice and generosity, but must come down to Parliament to have the propriety of it discussed in a public assembly. He could have wished that before this subject came under the consideration of their Lordships they had had a distinct statement made to them of the amount of the revenues which the Crown had given up; for then they would have been able to decide whether it was fitting that the generosity of the Crown should be limited as it was in the first instance, and then that every act of that description should be laid before Parliament, and that a Minister should be then called upon to get up in his place in Parliament to defend it. He could not let an Act in which he saw so much to disapprove pass without protesting against it. He would not, however, take up the time of the House further in discussing the objectionable parts of the Bill, nor would he delay the passing of it by stating any further arguments in opposition to it.

Viscount *Melbourne* observed, that he had stated at so much length on a former occasion the grounds on which he thought that the arrangement made for the civil list in 1831 was the best that could be adopted, that he would not enter further into them on the present occasion. He differed widely from the view which the noble Duke had taken of this subject. He thought that the present arrangement, which settled the revenue to be appropriated to the personal convenience, comfort, and dignity of the Sovereign, and which left the other points to be settled by an annual grant of Parliament, was the best and most convenient arrangement that could be adopted. No inconvenience had been found to result from the arrangement of the civil list which had been made at the commencement of the last reign, and he certainly could not see that there was any reason to apprehend inconvenience, if their Lordships acted upon that arrangement during the present reign. The noble Duke had also complained of the arrangement made in this Bill with respect to pensions. The noble Duke had contended that the fund at the disposal of the Crown was insufficient for the purposes of generosity and charity, which the Crown might think it fitting and proper to exercise, That was a question on which great difference of opinion prevailed, and that difference of opinion arose from a difference of principle. The noble Duke had adverted with much feeling to the number of widows and children of officers whose names were upon the pension list; and it was manifest, from the observations of the noble Duke, that he had made up his mind to a much larger system of pensions and superannuations than that which existed at present. Now, his principles were opposite to that. In his opinion nothing was so dangerous and so prodigal for the country as a general system of pensions and superannuations. If it were carried out far, the finance of no country could survive it, any more than the revenues of a private individual could survive it. We had already carried it out to a large extent—we had already given large allowances, as the noble Duke knew much better than himself to individuals both in the army and in the navy; and, in addition to the pensions on the civil list, there were settled pensions for the widows and families of those officers who had fallen or suffered in the service of the country. He must say for himself, that he knew that this allowance of 1,200*l.* a-year for pensions was a smaller sum than that which was before placed at the disposal of the Crown. If the pension list had been voted to her present Majesty in the same way in which it had been voted to his late Majesty, there would have been pensions to a larger amount at the disposal of the Crown than there were at present. The former system, however, was uncertain, for many pensions might fall in during the course of a-year, or none might, while the present system was fixed, regular, and certain. As far as be had seen of the Government of the country, and of the fair demands of individuals upon the bounty of the Crown, he thought, considering that there were other funds for the relief of those who had become destitute or had suffered in the service of the country that the sum now granted, if it were properly administered and wisely distributed,—and its proper administration and its wise distribution could only be secured by the publicity established by this Bill—would be amply sufficient for all the purposes for which it was intended. The noble Duke had adverted to what would have been the amount of the hereditary revenues of the Crown, and to what was given up by the Sovereign in assenting to this bargain. Whatever might be the fate of this act, whatever might be given up by the Crown, this question ought not to be considered on the grounds of its being a claim of compensation, but on the grounds of public policy—not as a claim of how much the Crown was entitled to receive, but as a question of how much the Parliament in justice and liberality was entitled to grant. For his own part, he thought that what was given to the Crown was sufficient. It should also be recollected, that the restricted amount of funds led to a more prudent and enlightened administration of them, while a profuse amount of them too often led to a profuse expenditure in their management. He was happy to hear the noble Duke in the conclusion of his speech remark that, although he had expressed his disapprobation of several parts of this Bill, he did not intend to give any further opposition to its progress.

Their Lordships went into a Committee and went through the Bill. House rsumed—Bill reported.

Universities of Oxford and Cambridge.] The Earl of *Radnor* observed that when he gave notice a few days ago, that he would on the present occasion draw the attention of their Lordships to circumstances connected with the Universities of Oxford and Cambridge, he had said that he should probably direct their attention chiefly to occurrences in the University of Oxford, though a few of his observations might also apply to occurrences in the University of Cambridge. He could not help alluding to what had passed in that House some months ago respecting both those Universities, and to the measures which the authorities of them had professed their intention to take in consequence of them. Though little appeared to have been done in either university, yet it was only fair to state that he had received a letter from Lord Cavendish, stating that much was now going on in the way of reform in the University of Cambridge. "I can inform you," said Lord Cavendish, "that I have reason to believe that in Trinity College and some of the other colleges progress is making, and will be made, by the appointment of Committees to revise the statutes of their individual colleges and also of the University at large." With regard to the University of Oxford he had also been informed that Committees for similar purposes had been appointed in one or two colleges; and he had also been informed that a hope was entertained that after they had ascertained what the statutes of those colleges were, an attempt would be made to consolidate and amend them. He should not further allude to these matters at present, although he thought it right to say that after the recess, in the course of the Session, he might think it necessary to adopt measures to ascertain what the Committees of these Colleges were doing. In the University of Oxford, it was stated that something had been already done, that an alteration had taken place, and that great improvements were going on. He could not, however, congratulate either himself or the country on the extent of reform which had hitherto taken place. Though the heads of houses had applied themselves with great apparent zeal to revise the Statutes of that University, the sum total of their labours and of their reforms was of the most ridiculous and ludicrous character. That sum total consisted in this, that the tutors were no longer prohibited from reading lectures to their pupils in Lent, that an English sermon should be substituted for the Latin sermon, preached at the commencement of each term to the University, that certain prayers hitherto recited in Latin should in future be recited in English, and that the oath taken by students upon their matriculation, to observe all the Statutes of the University, should be abolished. He begged pardon, he was not certain that he was correct in saying, that an English sermon was to be substituted for a Latin one. No, he was wrong about that point. He saw that the *Concio ad Clerum* was still to be in Latin. It had been proposed that it should be in English, but on a division, it appeared that the placets were eighty-one, and the non-placets were 102. The only real alteration of the slightest importance which had been made was the abolition of the oath taken by students on their matriculation, to observe all the Statutes of the University. He thought that nothing could be more objectionable than to call upon young men of seventeen or eighteen years of age to swear that they would observe a set of Statutes which they knew nothing about. The getting rid of that oath was certainly an improvement; but it was the sum total of the reforms made at Oxford after incessant labour for a long time. He believed, that if the noble Duke looked into the matter, he would think that this alteration had been most accurately described in a paper which had been published in the University, and from which he would read a single extract:—"It is merely an affectation of doing something when nothing is really intended to be done." He had been told, however, that the University was now doing something on the 15th chapter of their Statutes, which affects the discipline of young men *in statu pupillari*. He did not, however, anticipate much benefit from that. No one who was acquainted with that University would deny that there was a great aversion to all change in those personages, from whom any change in the discipline of the University must originate; and when their Lordships knew that every change proposed must be assented to by the Convocation, and when they saw the members of that body voting as they usually did, what hope could their Lordships entertain of any great and salutary reform? He would give their Lordships a specimen how some of the things proposed to be reformed had been received by that learned body. A proposal was made to abolish the obsolete custom which gave to the proctors the power of appointing two masters of arts to chant the Litany, and of imposing on such masters of arts as refused a fine of 5*s.* This proposal was opposed by sixty-eight persons. He mentioned this to show that there was no chance of any great improvement emanating from such a quarter. Forty-eight members of the Convocation had also voted against a proposition to abrogate a rule which had fallen into desuetude for the last 150 years. These were, however, minor objects. The principal object for which he then rose was to complain of the illegality of the proceedings of the University of Oxford against one of its most learned and pious members—Dr. Hampden. He would not enter into the question, whether alterations of the Statutes ought to originate with the hebdomadal board or with the house of Convocation; for he was prepared to argue the total illegality and incapacity of the University to alter the Statutes without the consent of the Crown. The Code of Statutes by which the University of Oxford was now governed, was passed in 1636, and was called the Laudian or Caroline Code. The circumstances under which that code was passed were these:—About two centuries ago, from the variety of charters which had been granted to the University by several of our monarchs, and from the variety of Statutes which had afterwards been grafted upon them, all the rules and laws of the University had got into a state of great confusion. In the year 1631, the then Chancellor of the University was anxious to reform its Statutes, and to get them consolidated into one code. Delegates were appointed at his instigation for that purpose. The Earl of Pembroke died soon after, and on his death, the celebrated Laud was appointed Chancellor. He set about the work commenced by his predecessor with great zeal, and after the labour of two or three years completed it. Few of the Statutes which he provided for the University were newly drawn up; they consisted principally of the old Statutes arranged so as to form one code. Charles 1st was very anxious that they should be adopted. They were, therefore, tried for twelve months, and having been approved by the University at the end of that time, were sent down to it with great form, the great seal being attached to them. A Secretary of State and several other officers of high rank were sent down to Oxford with them, and they were received with great form and ceremony by the authorities of the University. He ought to have mentioned, that previously to this, an Act was passed in the reign of Queen Elizabeth, incorporating the Members of the University under the title of the Masters, Fellows, and Scholars of the University of Oxford, confirming to them all their previous charters, and all their former rights. On the Laudian Statutes being sent down to them, they surrendered all their former charters, and received the Caroline Charter as the charter by which they would in future be governed. Now, if this were so, if this were the governing *codex* of the University, the next point to be settled was, whether there was in that *codex* any power reserved to the University to alter its Statutes. He found in the body of the Statutes many expressions forbidding any such alterations. In an original letter which Laud sent down to the University with the Statutes in 1636, there was a paragraph in which he stated, that they were to have *legitimam vim*, the force of law, for all legal purposes *apud posteros perpetuo*, for coming generations for ever. Again, there were expressions to the same effect in the letter which Charles 1st sent to the University on the same occasion, and it was therein stated that all former Statutes contrary thereto were repealed. These terms, he repeated, were sent down to the University, and were accepted by it with great form. It was expressly provided, that there should be no power of altering any of the Statutes without a special license from the King himself. There was also a whole chapter on matters which were called indispensable, in which it was expressly stated, that no dispensation or change should be prayed for with respect to any Statute or decree which had received the Royal authority. He knew it had been contended that those provisions of immutability related only to some particular Statutes—the Caroline Statutes, as they were called. But such was not the fact. The prohibition of making any alteration was not confined to those Statutes; and the natural construction was, that it must apply to the whole. But it was said, there were certain provisions in the Statutes for necessary alterations; and it did singularly happen that in the Caroline Statutes themselves, which had always been held to be unalterable, there was a similar power given to different persons of setting matters right, if there should be any "*dubitatio*" on the subject. It was important also to observe what had been the feeling of the University itself. The Statutes were passed in 1636, and for 120 years from that time only seven new Statutes, or supplements as they were called, were made, and every one of them came literally within the permission given for making necessary alterations. Then in 1640 a new Statute passed for regulating the Arabic lecture, which had just been founded; in 1662, another supplementary Statute was passed—the only one which afforded any justification of the modern practice—and the object of that Statute was to require two declamations instead of one before taking a degree. In 1708, there was another Statute for regulating the poetical lecture, then first founded. In 1738, another for extending to the sons of Scotch and Irish Peers, the same honorary indulgencies enjoyed by the sons of English noblemen. Another in 1757, for regulating the appointment and remuneration of the officers of the press, and another in 1758 for regulating the Vinerian professorship. In 1759, some dispute having arisen with respect to these Statutes, the opinion of Blackstone, who had just been appointed the first Vinerian Professor, and of two counsel, Morton and Wilbraham, was taken; and it was supposed, from their opinion, that the University had the power to make Statutes. Up to 1758, only seven alterations had been made which really and truly were no violations of the Statutes without the Royal license. These seven were placed as an appendix to the *corpus statutorum;* but from that period, a body of alterations, almost as large as the Statutes themselves, were made in the nature of additions. In the next thirty-six years there had been no less than fifteen additions; and so the University had gone on up to the present time. He should have mentioned as a strong confirmation of the opinion he had given, that in 1637, the very subsequent year to the passing of the

Statutes, Laud gave a body of laws to the University of Trinity College, Dublin, containing an express prohibition to make any alterations, and the consequence was that, from that time to the present, they had continued the same absurd forms which were in use in those days. There appeared very good ground to suppose that up to 1759, the University felt that under what he contended was a proper understanding of those provisions they had no power to alter any essential part of those Statutes without the Royal assent. It might be said it was wholly absurd to suppose that a corporation of this nature would accept of Statutes which bound them so stringently against the adoption of any alteration; but this happened in fact every day, and in petitions presented last year on this very subject it was contended, in accordance with this view, that neither the Universities themselves, the heads of houses, nor the visitors, nor even Parliament itself, had the power to make any alteration. This, he contended, afforded a complete justification of the view he took upon the matter. The steps which had been adopted last year against Dr. Hampden, were therefore perfectly illegal. There was a Statute passed last year without any authority from the Crown, which repealed two chapters of the Statute, stated in the margin as being part of the *addenda*. One of those chapters directed that the Regius Professor of Divinity, should be one of those to appoint the select preacher, and the other directed that the Regius Professor of Divinity should be one of the persons appointed to try matters of heresy in case any heretical doctrines were preached in the University. It was said both of these Statutes were in the *addenda*. He contended the whole of the *addenda* were irregular and illegal, inasmuch as they were additions to the original Statutes, and therefore he saw no harm in repealing them. It seemed to have been customary for the University, in altering parts of any Statute, to repeal the whole, and transfer any parts of it they wished to retain to the *addenda*, word for word as they appeared in the original Statute. Now, the section of the chapter which enacted that the Regius Professor of Divinity should be one of those appointed to choose the select preacher was only to be found in the *addenda*, and he did not complain of its repeal; but the other, depriving him of the power to sit at what was called the Board of Heresy, was transferred from the original Statute to the *addenda*, and the University had no power to repeal it. The University had, therefore, he contended, violated that Statute in the insult they had offered to Dr. Hampden. Without any accusation having been made, they were at once the accusers, the judges, and the executioners. Dr. Hampden was living quietly in Oxford as Regius Professor; a convocation was called, a great stir was made, the greatest activity was used to get up people from all parts of the country, and coaches drove into Oxford with men to give their votes who, to his (Lord Radnor's) certain knowledge, knew little about the matter, and had never read a single word of Dr. Hampden's works, save and except the extracts which his enemies had circulated against him. He believed he could prove that at the bar. Those men came up to the Convocation, and passed the statute by which they declared that some of Dr. Hampden's writings contained such theology, *res theologica*, that the convocation, had no confidence in him, Dr. Hampden never having been summoned nor heard in his own defence. Indeed one of the speeches at the Convocation made by the Warden of Merton, concluded thus:—"Where is the accuser? Where is the accused? What is the accusation?" Dr. Hampden was not only excluded from being one of those to appoint the select preachers, but was also excluded from sitting at the board of heresy. The conduct of the university in that respect was illegal; nor were their late proceedings less illegal in reference to a general revision of the statutes. But he might be charged with inconsistency, first in urging the university to undertake the work of self-reformation, and then complain of them when they did so. The whole difficulty might easily have been removed if the University of Oxford had applied to the proper quarter, but they had proceeded in an irregular, illegal, and most improper manner; and he conceived it was the duty of her Majesty's Government to take some steps in order to vindicate the prerogative of the Crown with respect to Dr. Hampden, as having been appointed by the Crown to an office of so much importance and dignity. No doubt it might be said, if Dr. Hampden had suffered any grievance, he should seek redress for himself; but the remedy was so cumbersome and so expensive, that with limited means and a large family he did not choose to resort to it. After the statute passed, no notification had been given to him, and although he sent his protest to the Vice-Chancellor, no notice whatever was taken of it; but the Vice-Chancellor thought proper to stick up an advertisement in one of the colleges, of which he was principal, that no candidate for orders, however well conducted or meritorious, should have a testimonial if he attended Dr. Hampden's lectures. Luckily this conduct had been counteracted by the determination of two of the bench of bishops, their rule being to require testimonials of having attended the lectures of the Regius Professor of Divinity. Those were the grounds on which he founded his motion. But there was another point of view in which the proceedings of the university, if not technically, were morally illegal. He had felt it to be his duty on more occasions than one to animadvert on the way in which oaths were taken at Oxford. They would rather, it was said, be turned into the world houseless and penniless than break an oath. Well, the observance of the statutes was enforced by repeated oaths. Up to the other day every matriculated member of the university swore to observe them; every B.A., and M.A., and D.D. bound himself by repeated oaths to observe them, and yet those repeated oaths were violated by the proceedings to which he had alluded. The noble Earl then referred to a pamphlet recently published at Oxford and attributed to the gentleman who addressed a letter to him last spring in the public papers, in which an opinion was expressed that obsolete laws were not imperative: while it was well known there was a part of the statutes which expressly stated, that if any of the governing authorities suffered a law from neglect or indolence to become obsolete, he should be deemed guilty of perjury. There was a passage upon this subject in an article in the last number of the *Quarterly Review,* which (although anonymous) must, from the singular coincidence of doctrine and style, have proceeded from the same individual to whom he had already referred, and which he hoped their Lordships would allow him to read. The passage read by the noble Earl was as follows:—

"We cannot here point out all the errors prevalent just now on this important subject; but, in the case of a trust requiring the constant adaptation of fixed rules to changing circumstances, under the necessary promise of adherence to those rules themselves—if one thing more than another can relieve the conscience, and remove the difficulties of the trustee, even where the greatest changes may be required, it is an oath. A promise to man ties us down to one fixed act, from which we cannot swerve, because man cannot see our heart, or provide for contingencies, or judge us with discretion; but an oath restores us at once to that Christian liberty which in all cases of difficult conduct is absolutely necessary, but most of all amidst the multitude of duties and relations involved in the functions of the universities. In very, very few cases, is the administration of an oath anything but an error and an evil; but in the commission of such a trust as this it is absolutely necessary, to enable men to act as they must act, sometimes even in opposition to the verbal will of their founder, but at all times under the eye of God."

That was the language of the *Quarterly Review*, the organ of the church and the universities. Talk of Popery indeed, it was nothing to that. The Pope was said, he did not know how truly, to release a man from his oath; but according to this doctrine every man was his own Pope, and might release himself from any oath whenever he thought fit. The noble Earl concluded by moving for a copy of the protest made by Dr. Hampden to the Vice-Chancellor of Oxford on the 8th of November, 1836. He hoped the Government having had their attention called to the subject would take some step to vindicate the prerogative of the Crown and set Dr. Hampden right.

The Duke of *Wellington* felt himself bound to object to the motion of the noble Earl. In point of form that motion could not be made, and he did not know to what end it could be directed; but he did not solely object to it in point of form—he objected to it also in substance. The object of the noble Lord's motion was to bring the subject under the consideration of the House, with a view to a prosecution by the authority of her Majesty's Government of the University of Oxford. That was the object of the noble Lord's motion. If the noble Lord had given notice of his intention to address the Crown to direct that Dr. Hampden, as an individual, should be prosecuted, his motion might be more in form, but the intention avowed by the noble Lord was that the University of Oxford should be prosecuted on account of these transactions. That was an interference not only with the affairs of the university but with the Crown, which in his (the Duke of Wellington's) opinion that House ought not to make. That House ought certainly not to take such a step upon a subject of this description. If it did take such a step with a view to a prosecution of the University of Oxford, and that there should afterwards be an appeal to that House in consequence of such prosecution, he should like to know in what situation the noble Lord and that House would stand when such appeal came before it? Under these circumstances, he was quite sure their Lordships could not adopt the motion on the grounds stated by the noble Earl. He could not help thinking that the last part of the noble Lord's speech was almost an answer to the first; because, if the noble Lord contended, as stated by him in the latter part of his speech, that the university had no right to alter these statutes, upon what ground did the noble Lord blame the university for not having made the alterations which the noble Lord was of opinion it ought to make in the statutes and conduct of the university, as stated by him in the commencement of his speech? Before he sat down he trusted he should be able to show that the University of Oxford had the power of altering its statutes; and on the part of that university he must say, that for a long time the Convocation had had under their consideration the alterations which ought to be made in those statutes, that the work of alteration had been commenced by them in the course of last term, and that they were proceeding with that work as fast as they could proceed with propriety, and at the same time with attention to the other duties they had to perform. Besides, he could tell the noble Lord, in answer to the first part of his speech, that in all the colleges in which it was in the power of the governing body, whether assisted by the visitors or not was not essential; but that in all these colleges where it was in the power of the governing body to make alterations in the statutes, they had those statutes under their consideration, with a view to make in them such alterations as might be considered just or requisite. They had had the subject under consideration during the few months that had elapsed since the close of last Session; and at the expiration of a few months more, during which there would be comparatively much more leisure to devote to it, he hoped he should be able to inform the noble Lord that some progress had been made in the work of alteration. The noble Earl had entered into a long detail upon the subject of the statutes of the University of Oxford, in order to prove that the Convocation of that university had not the power of altering those statutes. Now, he believed that there was no corporation in this kingdom which had had the power of making its statutes for a longer period than the University of Oxford. It was perfectly true that in the reign of Charles 1st, a revision of those statutes became necessary; that a commission had been employed to revise and consider them; that the commissioners agreed upon what course they should adopt in the year 1634, and that in the year 1636, and not immediately after, as stated by the noble Lord, the King sent down a letter confirming those statutes, and containing the clause adverted to by the noble Lord, and which the noble Lord contended had the effect of preventing any alteration in those statutes, although they contained expressly the power of enacting, interpreting, or altering statutes, but at the same time forbidding the exercise of that power in case the statutes were sanctioned or confirmed by royal authority. The noble Lord pretended that these words referred to the whole code of statutes passed, as he had said, in 1634, and confirmed in 1636. But it was well known in the university that the prohibition of altering statutes extended solely to those statutes which had been sent down to the university by the King himself, which in fact had been made by the King, and which were directed to be carried into execution under very different circumstances, and containing very different words from the rest of the statutes. This was a matter perfectly well understood in the university, and it always had been understood and acted upon from the year 1630, up to the present time. The noble Lord stated, that in the year 1640 a statute had been passed respecting the establishing of an Arabic professorship by the Chancellor Archbishop Laud: but surely if it were understood at that time that a statute could not be altered, abrogated, or interpreted, excepting with the consent of the King, Archbishop Laud would have asked his Majesty's consent to the enactment of this statute, passed at so early a period as 1640, that was to say, within four years after the period at which those statutes had been confirmed by his Majesty, and, as the noble Lord said, under the Great Seal. It happened that the Caroline statutes were confirmed under the Great Seal; but the general code of statutes was not so confirmed. There was one general letter applying to the whole, which he held to be under the Great Seal, though not in the same form as the Caroline statutes. There were other statutes subsequently passed, and by those who were perfectly well acquainted with the transactions of 1634 and 1636; but there never had been a doubt expressed of the power of the University of Oxford to make alterations and promulgate statutes until a very late period, when the subject came under the consideration of Mr. Justice Blackstone and certain other judges in the year 1759. Mr. Justice Blackstone said, "that the corporate body of an university being a thing entirely distinct from all private eleemosynary collegiate foundations, possessed the same rights and powers, and was subject to the same regulations, as other bodies politic — that all corporations had an inherent and inseparable right conferred by the law in the very act of their incorporation to make by-laws and statutes for their own domestic government, provided such by-laws were not contrary to the charter of their incorporation or the general law of the land." Mr. Justice Blackstone also said, "that with respect to any prohibition contained in former statutes, it was certain that no corporation had the power to make statutes or by-laws abridging the legislative power of its successors, who had the same right to enact as their predecessors had, any more than one Parliament could effectually make an act to abridge any future act. Therefore any academical act or by-law which seemed to assume such power was either void in itself, or voidable and subject to be repealed by any subsequent act." It followed from this that such prohibitions contained in statutes against repealing or explaining former statutes without a license from the Crown was contrary to the first principles of law and reason, and therefore void, or at least liable to be repealed or suspended in any particular instance.

The Earl of *Radnor* inquired in what capacity that opinion had been delivered by Blackstone? Was it in a case of law?

The Duke of *Wellington* was not able to inform the noble Lord. It had been put into his hand as the opinion of Mr. Justice Blackstone, and the noble Earl could refer to it himself; he had no doubt whatever the opinion had been given; at all events he relied upon it; he believed it to be law, or at least the law upon which the university had been acting. He admitted that at the period when this opinion was given there must have been some doubt with respect to the right of the university to alter or make their statutes; but at the same time there could be nothing more clear, nothing more reasonable, nothing more just, than the opinion to which he had referred, and upon which he relied as being the law of the case. He must say, that the noble Earl himself, the House, and the public generally, having called upon the universities both of Oxford and Cambridge to consider their statutes with a view to their alteration, and having before them such opinions as those of Mr. Justice Wilmot and other judges, it did appear rather extraordinary that the noble Lord should now come forward and say that they had no right whatever to make any alteration in their statutes. They must continue absolute though they might be—inconvenient and unreasonable though they might be—yet that alter them the universities must not, because certain words in the Caroline statutes contained a prohibition against their alteration. The noble Lord having made that assertion, then addressed their Lordships respecting a gentleman, in reference to whom he was anxious to say as little as possible. The late king had been advised to appoint that gentleman to be Regius Professor of Divinity in the University of Oxford. There could be no doubt that the general opinion of the university was, that that gentleman's theological tenets were not exactly orthodox, or consistent with the articles of the Church of England, an opinion which the publication of certain works by that gentleman had tended to establish. Several persons in the university had considered it their duty to petition his Majesty, praying, if the appointment had not been completed, that he would not make it. He believed that another address had been presented to his Majesty, entreating his Majesty not to sanction that appointment. The appointment, however, had been made, contrary to the views of the university at large, and a short time afterwards Dr. Hampden had thought right in his inaugural lecture to state that he then felt it his duty to explain the opinions which had been complained of. It was not for him to pretend to judge either those opinions or that explanation; but this he would venture to say, and he believed their Lordships would concur in the opinion, that in proportion as Dr. Hampden had found it necessary to give an explanation of his sentiments, in the same proportion were those justified who had thought proper to disapprove of them. He believed it would be admitted that if a clergyman who had published certain opinions not being orthodox, thought proper to come forward and explain those opinions, at least those opposed to such opinions had some justification for the course they had taken in disapproving of them. That was all he wished to say respecting the opinions and explanation of Dr. Hampden. His appointment having been made notwithstanding the petition of a vast number of the clergy of Oxford, and the general opinion expressed there that it should not be made, a request was made to the heads of Houses requesting that they would propose some measure to the Convocation which would have the effect of marking the disapprobation on the part of that body, of the opinions and appointment of Dr. Hampden. The noble Earl had alluded to the act of Convocation excluding Dr. Hampden from being one of those to appoint the select preachers, and also from sitting at the board of heresy. He was not disposed to say anything against Dr. Hampden, but this he must say, that considering the whole transaction, his opinion was, the Convocation had done as little upon that occasion as it was possible to have done, consistently with the necessity which existed of taking some notice of that gentleman, his opinions, and conduct. Since that period, he really believed that the university and the bishops of the Church of England, and all the persons who had any influence on this question, had done everything in their power to put it down and prevent it becoming a subject of discussion, even in the university or elsewhere. For himself, he could say, he had invariably pursued that course, it being his object to prevent any discussion on the matter; and he never should have mentioned it there, or elsewhere, publicly, if the noble Earl had not on the present occasion, forced it upon him. He certainly lamented the transaction, principally because he considered it was likely to produce a schism in the Church; and he had been as anxious as any man could be in his situation to prevent the university from proceeding upon the subject in such a manner as might by possibility lead to that result. The noble Lord adverted to the conduct of a Gentleman who was now Vice Chancellor of the University, and who had in his capacity of head of a house prohibited the attendance of the students in divinity upon the lectures of the Regius Professor. He did not pretend to be competent to mark the difference between the private and public lectures of the Regius Professor, but he certainly did not approve of the course taken by the Vice-Chancellor. In his opinion, the question was not one to be considered by the head of a house, for in fact no ordination could be conferred by him or the Regius Professor of Divinity. Ordination could only be conferred by the bishops of the Church; and whether the students attended the lectures of the Regius Professor of Divinity, or those of the Margaret Professor, or of any other Professor, he would say it was the duty of the bishops of the Church to consider the attainments of the persons coming for ordination, and whether they were qualified or not, without taking into consideration the certificates of the Regius Professor of Divinity, the head of a house, or any other individual. It was, he contended, the duty of the bishops to examine every candidate for holy orders without reference to the certificate of any individual whatever. He must say, however, with regard to the course adopted by the Vice-chancellor, that he was thoroughly convinced, not only from what that gentleman had stated to him, but from his own knowledge of that gentleman's conduct, and his character for candour and fairness, that he had the very best motives for pursuing that course. From that course he departed as soon as he had found that the bishops of the church had determined upon taking a different course, conceiving that he was then relieved from all charge and responsibility in the situation which he held. Such was the history of that transaction, and he had only to say with respect to the Vice-chancellor, and with respect to others of the university of Oxford, that it was their anxious wish and desire to avoid taking any step in reference to Dr. Hampden, lest it should in any manner whatever lead to what they would consider the greatest possible misfortune—a schism in the church. He thought he had answered the greater part of what had fallen from the noble Earl. The noble Earl had thought proper, at the end of his address, to read a letter and likewise an extract from a magazine, neither of which, he could assure the noble Earl, he had ever heard of. It was impossible for him to say whether he concurred or not in the opinions they contained; but if he conceived they were at all of the nature which the noble Lord had described, they certainly could not be more abhorred by that noble Lord than by him. Without meaning any disrespect to the noble Lord, he thought the proper course for the House to pursue would be to reject the motion of the noble Earl.

Lord *Brougham* protested against that part of the noble Duke's statement with regard to Dr. Hampden, in which he asserted that the explanation given by that gentleman of the opinions previously put forward by him afforded any justification of the charge which had been made against him on account of those opinions. As well might it be said that the story which had been lately circulated respecting him —namely, that he had committed a breach of good manners in prematurely quitting the royal table—as well might it be said that that story had some foundation because he now declared it to be an utter falsehood.

The Earl of *Winchilsea*, in reply to the observation of the noble and learned Lord, begged to say, that what had been said by Professor Hampden had been said only in explanation, and not in contradiction, of the opinions contained in the pamphlet which had called forth animadversion on the part of the university. Moreover, that explanation had not satisfied the great body of the university as to Dr. Hampden's having renounced those opinions to which they were opposed. With regard to that gentleman's appointment, it was well known at the time that his religious opinions were about to be made the subject of public animadversion in the University of Oxford. The university had in his (Lord Winchilsea's) opinion acted with great leniency towards that gentleman under the circumstances, and, as it appeared to him that the object of the noble Lord was to bring that individual's conduct before their Lordships, he sincerely hoped that their Lordships would coincide in the opinion expressed by the noble Duke, that it was inexpedient on the part of that House to entertain such a proposition, and would therefore reject the motion of the noble Earl.

Viscount *Melbourne* was not in the slightest degree aware that there was anything to be condemned in the writings of Dr. Hampden. They were upon points of extreme recondite and difficult scholastic learning. Very few of their Lordships indeed had the means of forming any sound opinion upon such extremely difficult, abstruse, and obscure points as those. With respect to an intimation that had been made to him upon the subject from the University of Oxford, it seemed to him to have been made by persons who were utterly ignorant of the writings of Dr. Hampden. He knew very little upon the subject, and yet he believed he knew more than those who had come to him on that occasion. He did not, in the slightest degree, conceive that there was anything understood in the writings of Dr. Hampden which was contrary to the doctrines of the Church of England. The noble Duke seemed to think that, because of his explanation, there was something objectionable in the opinions Dr. Hampden felt it necessary to explain. In point of learning and extent of knowledge he believed that that gentleman was the most worthy person who could be found in the university at the time to fill the professorship. Upon his appointment he gave, in an inaugural lecture, a statement of his opinions; but whether that statement contained a retractation or explanation, it was, undoubtedly, not for him to say. He believed it to have been an explanation of Dr. Hampden's opinions, entirely doing away with the charge which had been brought against him; he believed it to have been a complete explanation, showing that those opinions were entirely consonant with the articles and doctrines of the Church of England. The noble Duke said, that they were contrary to the opinions of a majority of the University of Oxford; but he could not admit that a majority of the University of Oxford possessed any power to settle such disputed points, for the opinions of reformists were contrary to those entertained by a great majority of the University of Oxford. If these opinions had been generally entertained at the period of the Reformation, he believed that the Protestant religion would never have been established in this country. The opinions of Mr. Locke, were contrary to those of the majority of the University of Oxford, and he begged leave to say, that if the opinions of that majority had alone been consulted, everything liberal, everything noble, everything free and ingenuous in this country, would undoubtedly not have been established in it. It was not his intention to have taken any part in this debate, and he had now only to say a word or two respecting the motion of his noble Friend. It was, as he understood, for the production of a protest delivered by the Vice-chancellor of Oxford against the opinions of Dr. Hampden. He would not say whether it was within the competency or power of the House to order the production of this paper or any paper of a similar nature; he would not say that circumstances might not render such a thing expedient, but it was very unusual to ask for such a document, inasmuch as they had no way of enforcing its production if refused, except by treating the refusal as a breach of the privileges and authority of that House. Conceiving, then, that his noble Friend only made this motion for the purpose of bringing the subject under discussion, he would submit to his noble Friend whether it would not, under the circumstances, be better to withdraw it.

The Archbishop of *Canterbury* would not have risen to say one word upon the motion were it not for an observation which fell from the noble Viscount, the First Lord of the Treasury. He felt assured that the noble Viscount in the observation made by him, did not mean any disrespect to certain persons who waited on him relative to the appointment of Dr. Hampden to the Regius Professorship. He said, they appeared totally ignorant of the subject. He would not say whether he were ignorant of theology or not, or whether he was more ignorant of it than the noble Viscount professed to be; neither would he allude to the peculiar opinions of Dr. Hampden. These opinions were announced in several publications, and he believed they gave dissatisfaction in various quarters. They were, however, of a character totally different from the opinions which produced the Reformation, and from the opinions of Mr. Locke. The question was, were the opinions maintained by Dr. Hampden consistent with the doctrines of the Church of England? Upon this point he would abstain from any observation. He would not attempt to go into the subject. He felt it his duty certainly to make some representations to the First Lord of the Treasury upon the appointment; but he appealed to those Ministers who were in power previous to the present Ministry—he appealed to the noble Duke (Wellington), and to a noble Friend of his who had just left the House—if he ever, upon any occasion, stood in the way of any man's preferment in the Church. Nothing but a sense of duty could induce him to remonstrate against thi or any other appointment, but having with him the great majority of the University, many also of the ablest Divines, he did not feel that his conduct ought to meet the ridicule of the noble Earl (Radnor). There was so much of contradiction in the noble Earl's observations, in his complaints respecting the things done, and other things left undone, that he felt much difficulty in understanding him. The noble Earl said that on some points there was a majority in the University in favour of his opinions, and complained at the same time that he was in a minority. The noble Earl at one time insisted that the Statutes must be altered, and then insisted that they could not be altered, because there was a Statute that made them unalterable. Then the noble Earl proceeded to the case of Dr. Hampden. Had he known such to have been the noble Earl's intention before coming into the House, he would have endeavoured to dissuade the noble Earl from such a course. Was it likely to do any good? Would it not be better to have passed this matter over in silence? For his part he did everything in his power to soften the matter in the University. The noble Earl read a passage from a review. What right had the noble Lord to assume that this review was the organ of the Church? What right had he to assume that certain sentiments must be the sentiments of the University of Oxford, because he found them expressed in this review? Similar sentiments might be entertained in an Oxford newspaper, or in some Church magazine, of which there were many; but were such publications therefore to be called the organs of the Church? The Church had very different organs, and highly as he respected the celebrated journal mentioned by the noble Earl, he must protest against it being considered the organ of the Church.

The Earl of *Radnor*, in reply, said it was generally understood that the review from which he quoted, spoke the sentiments of the Church. The truth was, that the doctrine laid down in the review was adopted in practice by the University. The doctrine was, that by an oath, a person bound himself to God, not to man. It was all well to say that it would be more discreet to observe silence on the case of Dr. Hampden, but it should be recollected that he was the party injured, traduced, and insulted. He believed him to be as honest, as virtuous, and as honourable a man as any living. He had no doubt that all the hostility to him in the University arose from his advocating the admission of the Dissenters. His theology was never censured before. On the contrary, he was appointed to the professor ship of moral philosophy. With respect to the alterations made in the Statutes, he thought that getting rid of the oath was a great advantage, but the subscription, as now insisted upon, was more objectionable than it was before, because persons even under the age of twelve were called called upon to subscribe, and that as to matter of faith, not merely as to matter of opinion or reason.

Motion withdrawn.

HOUSE OF COMMONS,

Thursday, December 21, 1837.

MINUTES.] Bills. Read a first time:—On the motion of Sergeant TALFOURD, Custody of Infants.—On the motion of Mr. LYNCH, Married Women; Municipal Boundaries.

Petitions presented. By Mr. H. FLEETWOOD, from the Handloom Weavers of Preston, for relief.—By Mr. LEADER, from Westminster, in favour of the Dorchester Labourers.—By Mr. WAKLEY, from Finsbury, against Lord John Russell's Declaration.—By Mr. GROTE, from Illeringham, Suffolk, for Vote by Ballot.—By the ATTORNEY-GENERAL, from Edinburgh, for Vote by Ballot; also from the Senatus Academicus of Edinburgh, against the Privileges of the College of Physicians.—By Mr. HUME, from Glasgow, for Vote by Ballot, Short Parliaments, and a system of National Education.

HANDLOOM WEAVERS.] Mr. *J. Fielden* then rose to bring under the consideration of the House the petition which he had presented on the 11th December, relative to the condition of the Hand-loom Weavers. Amongst other facts stated in the petition it was set forth that the petitioners, owing to extremely low wages, suffered great distress, and that this distress had been more severe in the present than in any former year. In Manchester alone there were computed to be at least 6,000 weavers, some of whom had been visited by persons appointed for that purpose. The results of the inquiry made by the visitors were, that 876 families whom they had visited, containing 3,274 persons, depended for support on the income of 1,740 looms employed. The average earnings of these looms did not exceed 332*l.* 6*s.* 3*d.* weekly, leaving an average of 2*s.* ½*d.* a week to each person, and deducting 1*s.* 2*d.* a week for rent, fuel, soap, and candles, the average for the support and clothing of each person per week would be only 10½*d.* or 1½*d.* per day. It was now five years since this subject had been brought under the notice of Parliament, and though the distress of these persons was admitted to be great, no redress whatever had been afforded them. This subject had been considered by successive Committees of the House, and it had been admitted by the report of one of these Committees in 1834, that this distress was by no means exaggerated, but existed to an extent that was scarcely to be conceived or credited, and that these individuals bore their sufferings with unexampled patience. In that House the people were not properly represented, and it was to the refusal to attend to their wants and remove the evils that pressed upon them that they were to attribute the calls that were making for an extension of the suffrage. It could scarcely be said that they lived in a Christian country if all sympathy for human suffering was to be suppressed. It had been proved before Committees that these men worked from twelve to fifteen hours a day, and yet they were unable to support themselves by their labour. The articles which were produced by these operatives were of a description principally consumed by the rich and wealthy, who could afford to pay a remunerating price for the labour that produced them, and a great quantity of these articles were exported to foreign countries, to be exchanged for commodities that contributed to the comfort and luxury o the wealthy classes. Notwithstanding the patient demeanour of these persons, their grievances remained unredressed. If this indifference continued, he would at the risk of being considered factious, take steps that would force the case of these persons on the attention of the Government. If some redress was not afforded he would feel bound to get up and oppose every vote of money that was proposed. That might be a course open to blame; but if redress was not afforded, or some attention bestowed on this subject, that course he was determined to take. There was not one of these weavers that did not contriute to the taxation of the country, and if the situation of these men did not receive attention he would take every opportunity that the privileges of the House afforded to force that attention. All the facts respecting the distress of these suffering classes had been clearly established before a Committee, of which the right hon. Member for Manchester (Mr. P. Thomson) was a member, and he did think that that right hon. Member had not done his duty towards those people by not directing the attention of the Government to the sufferings they endured. One of the reports of a Committee recommended a bill to be brought in, which would have the effect of relieving those distressed weavers. That bill was brought in by the hon. Member for Lanark, and it was met on the part of the Government by a direct negative, and was not allowed to proceed. In the course of the last Session the matter was not lost sight of. A motion was made in July last for an address to the Crown for a commission to inquire into the condition of the distressed operatives in the manufacturing districts. That address was voted six months ago, and yet not a single commissioner had been sent forward, though the operatives were dying for want of food. It showed that the Government were indifferent to the condition of the working people; but he could tell the House that no Government could carry on their business who were indifferent to the distresses of the working people. He would like to know why this inquiry had not proceeded? If a vote of that House was good for anything it ought to be acted upon. The Government that would act in this way could not have his confidence, for he thought after the vote of the House that that inquiry ought to have been proceeded with, and they should have ascertained what redress could be afforded. Something should be done. They must either raise the wages of these operatives to a scale that would afford them the means to live, or they must do what would lead to the same effect, namely, reduce the taxation that pressed on the necessaries of life. He thought tha they ought to have a *minimum* of wages. The existence of distress could not be disputed, and they ought to decide how relief could be afforded without injury to any other class of society. Without this the Government could scarcely feel satisfaction to themselves, and they would give no satisfaction to the country. The hon. Member concluded by moving the following resolution:—

"That there is in this kingdom an immense body of hand-loom weavers suffering unparalleled distress, and that that distress arises from the present unforeseen low rate of wages that these weavers are paid for their work, and from the heavy taxes imposed by this House on food and the other necessaries of life, a sufficiency of which these wages are inadequate to procure; that the work which a large proportion of these weavers execute consists of articles indispensably necessary for the personal comfort and convenience of the higher and middle classes of society, or of articles exported to other countries in exchange for luxuries for the use of these classes; that it is, therefore, the interest and duty of the Representatives of the people in this House immediately to devise and enact such laws as shall raise the wages of the hand-loom weavers to a scale adequate to maintain them comfortably, or else so to reduce the taxes imposed on the necessaries of life, and to alter the modes of collecting those taxes, so that no part of the wages paid to these weavers shall be abstracted from them by either direct or indirect taxation, further than shall be necessary for the exigencies of the state."

Mr. *Hesketh Fleetwood* seconded the motion. Seeing that the commission had issued some months, he did hope that the President of the Board of Trade would be enabled to make such a statement as would give to the hearts of the poor handloom weavers that comfort of which the smallness of the wages they at present received deprived them. During his canvass he had had an opportunity of seeing the distress which pervaded this class of persons. In the place which he had the honour to represent were found numerous families working for sixteen hours a day in damp places under ground. He had seen one poor woman giving her children bread in a hot state; and on his asking her the reason, her answer was that she did so because a less quantity sufficed to satisfy the cravings of hunger for the time. He did not see, however, how an increase of wages could be effected by legislation; but at the same time, with regard to taxation, he thought that those who possessed property and who devised the means of taxation, ought to be anxious, and take care not to aggravate the distress which prevailed among the poorer classes of their fellow-countrymen.

Mr. *Mark Phillips* assured the hon. Member for Oldham that the petition which he had brought under the notice of the House had not escaped his (Mr. Phillip's) attention. He was not in the House when the motion for an address to the Crown for the appointment of a Commission was agreed to, but he did not hesitate to say if he had been present (and his not being so was occasioned by severe indisposition), knowing what he did on this subject, that he should not have been found amongst the supporters of that proposition. He begged to say that the hon. Member for Oldham could not more deeply deplore and commiserate the unfortunate situation than he (Mr. P.) did himself, and, in order to put himself in the possession of facts, he had applied for and received statements from Manchester which differed materially with the allegations contained in the petition; and those facts he had obtained from those who employed the greatest number of operatives in that town. Manchester was divided into four districts, from one of which districts he had the report made by the overseers, by which it appeared that while in August last there were 275 families out of employ, on the 15th of the present month there were only seventy six. So far, therefore, there was a discrepancy between the statement contained in the petition and these returns. He admitted that great manufacturing distress among the hand-loom weavers prevailed throughout the country, and he knew, as stated by the petitioners, that in Manchester it prevailed to a greater extent than in former years; he knew that such was the fact; and why? it was in consequence of the state of the American market; that was the cause of the distress. He, for one, should always be anxious to forward the views of the petitioners when he was satisfied that good could be done; but at the same time he must say he could not see any possible good that could result from the interference of the Legislature in order to maintain prices during a depression in trade. Supposing that a *minimum* of wages was established, what would be the effect? Why, that those who wished for the establishment of such a principle would be the first to break it,—such would be the case of the hand-loom weavers, who themselves were so anxious for its adoption. And why? Because there was no class of the operative portion of the community by whom a depression in their trade was so soon and immediately felt as the hand-loom weavers. The moment the market was depressed the masters said they had no more work, and that the operatives must wait until things came round, and the consequence would be, that they would offer their services for less than the *minimum* in order to obtain work, and thus break through the principle they were so anxious to see adopted. Such would be the inevitable result. But there was a remedy, and that was an alteration in the corn-laws. He had always, in that House and out of it, declared his opinion to be in favour of the repeal of the corn-laws. He took his seat in that House, which he considered a privilege, as an heir-apparent, looking to the possession of a landed estate; but he should feel ashamed if on that account he could neglect the interest of those with whom he was so intimately connected as he was with the hand-loom weavers, or that of the community at large. But sure he was, that it would be impossible for the manufacturers of England to compete with those of the Continent, or of America, unless there was a change in the corn-laws. The time was fast approaching when this question must be considered. He should be ready to lend his assistance in effecting a reduction of taxation, and more particularly that of the tax on bread, which so deeply affected the interests of the working classes of the community. He wished to draw attention to the bank system, which certainly did not work well at present. During the late commercial panic much evil was occasioned by that system, connected with the depressed state of the weavers. In his opinion an inquiry into the prices of labour compared with the state of the currency might be very advantageously entered upon by the commission appointed to investigate the condition of the hand-loom weavers. He perfectly concurred with the hon. Member for Oldham as to the admirable conduct of the hand-loom weavers. If any distinct manner of relieving them could be pointed out, it would give him great pleasure in adopting it, but he did not see any. In the proposition made by the hon. Member he could not acquiesce.

Sir *Eardley Wilmot* observed, that

during the five years that he had been in Parliament he had advocated the cause of the hand-loom weavers. There were many thousands of them in a state of starvation. They did not ask for charity; what they asked for was a fair compensation for their labour. By other machinery goods were produced at a third of the rate at which the hand-loom weavers could produce them. If the laws could not be altered for the purpose, something should be done to relieve them. It was impossible, however, to employ them in other labour. They were quite unfit for agricultural labour. The hand-loom weavers formed a large portion of his constituency, and he had intended to present a petition on the subject of their distresses. That petition had not yet reached him; but soon after the recess he hoped to have an opportunity of presenting it. In the mean time it was his duty to state that the hand-loom weavers were in a dreadful condition; and that if something were not done it was impossible to foresee what might be the consequences.

Mr. *Hindley* observed, that there seemed to be a general agreement on two points: the first was the existence of great distress, the second was the patience with which it was borne. He was persuaded that it was impossible to exaggerate the distress. He had himself paid considerable attention to the subject; and he firmly believed that the distress was to an extent of which the House was little aware. He thought, also, that they were all agreed on another point. He wished to argue the matter calmly and dispassionately. It appeared to him that they were agreed on the difficulty of finding a remedy for the evil. If such a remedy could be discovered he was persuaded that it would be most cheerfully adopted. The remedy proposed by the hon. Member for Oldham was a fixed rate of wages. To that he (Mr. Hindley) strongly objected. He had said, when an application was made to him in Manchester on the subject, that he could not acquiesce in any such proposition. The effect of a fixed rate of wages would be to prevent manufacturers in times of distress from giving them any work at all. The hand-loom weavers did not desire charity. All they desired was justice. If the Legislature could not benefit them, at least it should avoid doing them injury. It had been said that they ought to go into the factories. How was this practicable, when Government had sent down commissioners, Messrs. Mummeridge and Baker, to force the agricultural labourers of the neighbourhood to enter into competition with them. In vain did the poor hand-loom weavers make application at the factories for employment for themselves or for their families. The only result was, that they lost their time. Not so the agricultural labourer. A contract was entered into for them by the commissioners. But was it fair to transport another class of labourers into competition with these unfortunate persons? The causes of the existing distress were quite evident. The first was the present state of our Corn-laws. It was a shame to ask the hand-loom weavers of this country, paying double the price for their corn, to compete with the weavers on the Continent. He hoped that the Commissioners who had been appointed to investigate the subject, would mention this cause of distress in their report; and he hoped the House would deal with it without reference to any private interest or consideration. Another cause of the distress, was machinery. It was impossible, at this time of day, to go back on that subject. No doubt could exist of the great social advantages which the human race had derived from the invention of machinery. He hoped, however, that the management of it would be so conducted as to render it an amelioration of the first curse which had been pronounced upon mankind. Another cause of the distress, was the influx of the Irish poor. There were vast numbers of the Irish poor in Manchester who contended for bread with the English weaver. He by no means objected to their right to do so. On the contrary, he thought we ought to make them welcome, and by every means to better their condition. Yet, certainly, the effect of their coming and entering into competition with the resident weavers, was to increase the distress of the latter, and to render their condition almost as low as that of the Irish. But what must be the effect upon them, if the proposed Irish poor-law were passed? By four clauses of that law, they were going to make beggary a crime in Ireland, subject to various terms of imprisonment. What would be the effect of that? It would force numbers of the Irish out of their country; and they would come hither, enter into more severe competition with the English weavers, and increase their distress. It really would be very hard upon this industrious class of our population, if, being unable to find a remedy for their grievances, they were to adopt a measure which must materially aggravate them. From what had fallen from the hon. Member for Manchester he (Mr. Hindley) collected that that hon. Gentleman intended to agree to the motion of the hon. Member for Oldham, for the hon. Member for Manchester acknowledged the justice of the second proposition of the hon. Member for Oldham, that the distress was, in a great measure, owing to the heavy taxation to which the food of the weavers was subjected. To that point he wished to pin the hon. Member for Manchester and the right hon. Gentleman opposite, as he conceived it impossible to remedy the evil without attending to it.

Mr. *Philip Howard* said, that unquestionably much of the distress was attributable to the introduction of machinery. But it must be considered, that the hand-loom weavers enjoyed greater liberty than the power-loom weavers, and could choose their own times of labour. He rose, however, to express his sympathy for the distress which they were suffering. At the same time he did not think that to repeal the corn-laws, and thereby to throw a great deal of land out of cultivation, would benefit th e. Undoubtedly great differences of opinion existed; but in his judgment any material alteration of the corn laws would be productive of very general inconvenience. When the report of the Com ission appointed to investigate this question came to be laid on the table, the House would be better able to come to a satisfactory decision upon it. He hoped, therefore, that the hon. Member for Oldham would, for the present, withdraw his motion.

Mr. *Darby* also trusted, that the hon. Member for Oldham would withdraw his motion; the fir t part of which appeared to him (Mr. Darby) to be totally inexpedient. It would be impossible to reduce the taxation in such a manner as to afford the hand-loom weavers the relief they required, without, at the same time, withdrawing the protection justly afforded to other classes of the community.

Mr. *Poulett Thomson* hoped that the hon. Member who had brought forward this motion had done so rather for the purpose of giving hon. Gentlemen an opportunity of expressing their sympathy for the objects of it, than with any intention of dividing the House upon it. He should feel it his duty to move the previous question on the hon. Gentleman's propositions; for he was unable to assent to them. One of those propositions stated facts of which the House had at present no knowledge; the other recommended a species of vague relief that it would be impossible to afford. It was very easy for any man to gain a great character for humanity by dwelling on the harsh and severe conduct of Government, or of that House, by representing that they were unwilling to inquire into distress, or to apply to that distress a remedy; and by intimating that he alone was disposed to commiserate and to relieve the distressed. He utterly denied the existence, on the part of that House, or on the part of Government, of an indisposition to consider the distress of any portion of the people; or to apply to that distress a remedy, if a proper and adequate remedy could be discovered. Why did not the hon. Member for Oldham propose some distinct and specific remedy which might be fully and fairly discussed? Why did he not make some direct proposition on which all might express their sentiments and stand a chance of coming to a just and practical conclusion? He repeated, that there was no indisposition on the part of the House, that there was no indisposition on the part of Government, to take into consideration any specific proposition on the subject, and to adopt it if it should seem likely to be beneficial. But what was the hon. Member for Oldham's vague proposition? That as the House had rejected fixing a *minimum* of wages, they should lower the general taxation in such a manner as to exempt the individuals in question from contributing to it. He should like to see that proposition put into a definite shape. How could that be accomplished? Was it to be provided that persons who did not earn such or such wages were to pay no taxes? To attempt that object would be to alter the whole system of our taxation. A large portion of that taxation, all, for instance, which came under the heads of customs and excise, was indirect. How, with reference to those taxes, could such a proposition as that which he had described be carried into effect? But, upon the strength of making such a proposition, the hon. Member for Oldham exclaimed to the weavers, "My friends, I am the only person who wishes to relieve you; others are hard-hearted, and will not take your case into consideration." Now that was mere delusion, although he did not think it would take, which he felt ought to be exposed, and therefore he would take the liberty to expose it. The hon. Member for Oldham said, that it was his duty, both as the Representative of Manchester, and as holding the situation in the Government which he had the honour to hold, to satisfy the wishes of the individuals who were the subjects of the motion. Now, he would not yield to the hon. Member for Oldham in the sincerity of his desire to relieve the unfortunate persons in question, if any rational or practicable mode of furnishing that relief could be devised. But he did not believe that any legislative measure could be adopted by which that relief could be afforded. It was on that ground that he had opposed the appointment of a commission of inquiry. He had opposed it because he thought it likely that the appointment of such a commission would raise delusive expectations which it would be found impossible to satisfy. Not seeing that any good could be derived from such a commission, he had opposed its appointment. The House, however, had decided otherwise. The evil he had apprehended had occurred: but the responsibility rested not with him but with the House. [A *Member:* With the last House.] With the last House. The commission having, however, been appointed, he should do everything in his power to render it effective: and he hoped that the result of the report of that commission would at least set the question at rest. The commissioners were exceedingly anxious to make their inquiry as comprehensive as possible; but as the hand-loom weavers were scattered over almost every county in the kingdom, the progress of the inquiry must necessarily be slow. The House, however, might rest assured that they would proceed with all the dispatch that the circumstances of the case would admit of, and that all the information it might be in their power to collect, would be communicated without loss of time. He denied that the distress of this class of operatives arose either from foreign competition or from the general use of machinery. The same distress existed amongst other classes of operatives where there was no foreign competition; and as to machinery, he believed that the effect of it was rather to increase than to diminish the demand for manual labour. The real cause of the distress of the hand-loom weavers was their being too numerous. Under all the circumstances, he thought that the only course the House could pursue would be to wait for the report of the commissioners. If that report suggested any remedy for the relief of this class of persons, he should be most ready to support it.

Mr. *Wakley* could not concur in the concluding recommendation of the right hon. Gentleman who had just sat down. It might very possibly happen that three or four years would elapse before the Commissioners made their report. In the meantime, according to the recommendation of the right hon. Gentleman, these people would be left to starve. The real object of the Commission should be to inquire into the remedy, not the cause, of the distress. The cause was well known. The remedy, though the House had not temerity enough to make the confession, could only be found in the repeal of the corn-laws, and the imposition of a tax upon property. The only relief for the poor was to take the burden of taxation from their shoulders, and to place it upon the shoulders of the rich.

Mr. *George F. Young* differed from the hon. Gentleman who had just sat down. He thought, that as a Commission had been issued, it was only proper, before any decided step was taken, that the House should wait for the report of that Commission. He, for one, therefore, could not support the present motion, a motion which he hoped the hon. Member for Oldham would see the propriety of withdrawing.

Mr. *Hume* also expressed a hope, that the hon. Member would withdraw the motion. The distress which pressed so heavily upon the hand-loom weavers, arose from the high price of food in this country as compared with any other country in Europe. The Government had the remedy in their own hands, but were afraid to adopt it. Repeal the corn-laws, and there would be no distress amongst the weavers. But there was no hope of such a step being taken. The agricultural interest was too strong, had too great a preponderance in that House; and the noble Lord, the Home Secretary (Lord John Russell), had declared that he looked upon that preponderance as one that ought to exist. The words used by the noble Lord on an early evening in the Session, were to this effect, "He was aware, at the passing of the Reform Bill, that it would give a preponderance to the landed interest, and he should object to any alteration of the suffrage which might tend to lessen that preponderance." Instead of there being no legislative remedy for the distress of the hand-loom weavers, he contended that there was a legislative remedy. Let them have an honest House of Commons. He did not wish to say anything offensive, or otherwise than this —that they ought, at least, to be most anxious not to legislate for their own advantage. He wished to see the people's House legislate for the benefit of the people at large. But as long as he had been in the House, it appeared to him that legislation had gone on for the benefit of the few, and not of the many.

Colonel *Sibthorp* thought, that the agricultural interest paid more towards the taxation of the country, than any other class of the community. He deemed it necessary to make this observation in order that it might not go forth to the public, that those who represented that particular interest, were indifferent to the sufferings of any other class in the state.

Mr. *Matthias Attwood* considered that the subject of the Corn-laws had been improperly introduced into this discussion. He believed that the Corn-laws were not the cause of the distress which prevailed among the manufacturing classes, and therefore that the repeal of those laws would not relieve that distress. On the contrary, he thought the repeal would be attended with a greater weight of suffering than such a measure was calculated to remove. He knew how reluctant the House was, to entertain questions of this kind, and how very difficult it was, for any hon. Member to bring any question under the consideration of the House which involved nothing of a personal or of a party nature. For this reason, therefore, he felt the more disposed to give his support to the motion of his hon. Friend. They had been told to wait for the Report of the Commissioners, but he conceived it was vain for them to wait for that. All the facts that were capable of being ascertained by the Commissioners were already sufficiently well known. The right hon. Gentleman, the President of the Board of Trade had spoken of the extensive reduction that had taken place in the taxation of the country. Now, upon that subject, he would refer the right hon. Gentleman to an authority which he was sure would not be disputed—he alluded to the evidence of Lord Ashburton taken before the agricultural committee in 1836. At the close of a very lengthened examination that noble Lord said, "He would maintain that there had, in fact, been no reduction of taxes from the period of the war to the present day." He would vote for the motion, because in doing so, he considered he should be expressing his opinion, first, that extensive distress existed among the hand-loom weavers, and, in the next place, that the House were desirous to discover a remedy for that distress.

Mr. *Labouchere* could not refrain, after hearing the last observation of the hon. Gentleman (Mr. M. Attwood), from troubling the House for a few moments. The hon. Gentleman had said, that he considered in voting for the motion, all that he was expressing was his opinion, first, that extensive distress prevailed among the hand-loom weavers, and next, that the House were desirous to discover a remedy for that distress. Now, this being the opinion of the hon. Gentleman as to the effect of the vote he was about to give, he felt it to be his duty to call the attention of the House to what was the nature of the question before them, and to show how very far beyond those two propositions stated by the hon. Gentleman, they would go if they voted for the present motion. He would first of all, however, remark, that the House during the last Session of Parliament, had given a strong proof how anxious they were to meet the distress complained of; for they actually adopted an address to the Crown that a Commission might be issued to inquire into the nature and extent of that distress. He begged to say, that in his judgment the House did not on that occasion take a prudent or well-advised step in pursuing that course; for he believed there was always the greatest danger when any one branch of the legislature took upon itself to investigate any particular and local case of distress, inasmuch as it gave rise to expectations which, in all probability would only result in disappointment. But he would now remind the House what were the terms in the concluding part of the motion before them. The motion stated, "that it was the duty of the representatives of the people in that House, immediately to devise and enact such laws as should either raise the wages of the distressed weavers sufficient to maintain them comfortably, or reduce the taxation on the necessaries of life, and alter the mode of taxation so that no part of the wages paid to the hand-loom weavers should be extracted from them, by either direct or indirect taxation, and that a new system of taxation should be introduced, so as to leave untouched the necessaries consumed by the working classes." Now he had a great deal too much respect for the intelligence and good sense of these weavers to believe that ninety-nine out of every hundred of them could possibly read with a serious countenance, such a proposition as this. To suppose that any system of taxation could be devised, consistently with the financial state of this country, so as to leave untouched the necessaries purchased by the wages of the working classes was such a mere delusion that one could scarcely conceive it possible for any person seriously to imagine it.

Sir *C. B. Vere* said, that the hon. Gentleman, the Member for Oldham had put his motion in such a form, as not to admit of those who wished to do justice to the poor hand-loom weavers, to give him their support. He would, therefore, advise the hon. Gentleman to withdraw his motion; and he hoped to see the question brought forward again in a manner that would not permit of its being put down.

The House divided: Ayes 11; Noes 73: Majority 62.

List of the AYES.

Attwood, W.
Attwood, M.
Browne, R. D.
Cayley, E. S.
Fleetwood, P. H.
Freshfield, J.
Godson, R.
Hallyburton, Lord
Morris, David
Wakley, T.
Wilmot, Sir J. E.

TELLERS.
Fielden, J.
Hindley, C.

List of the NOES.

Adam, Sir Charles
Aglionby, H. A.
Alsager, Captain
Anson, Col.
Baker, Edward
Baring, F. T.
Barnard, Edward G.
Barrington, Viscount
Bentinck, Lord G.
Berkeley, hon. F.
Blair, James
Borthwick, Peter
Broadwood, Henry
Chalmers, P.
Copeland, W. T.
Courtenay, P.
Darby, George
Denison, W. J.
Dennistoun, J.
Dick, Q.
Douglas, Sir C. E.
Eaton, R. J.
Ellis, John
Fremantle, Sir T. W.
Goddard, A.
Gordon, hon. Capt.
Grey, Sir G.
Grimsditch, T.
Hastie, A.
Hayter, W. G.
Hobhouse, Sir J. C.
Hobhouse, T. B.
Hollond, R.
Hope, G. W.
Howard, P. H.
Hume, J.
Kemble, Henry
Labouchere, H.
Lennox, Lord George
Macleod, R.
Macnamara, Major
O'Ferrall, R. M.
Paget, Fred.
Pechell, Captain R.
Perceval, G. J.
Philips, Mark
Richards, Richard
Rolfe, Sir R. M.
Rose, Sir George
Round, John
Salwey, Col.
Sibthorp, Col.
Smith, Robert V.
Stanley, E. J.
Stewart, John
Style, Sir C.
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Tollemache, F. J.
Tracy, H. H.
Troubridge, Sir T.
Tufnell, Henry
Vere, Sir C. B.
Vigors, N. A
Warburton, H.
Whalley, Sir S.
White, A.
Wood, C.
Wood, Sir M.
Wyse, Thomas
Yates, J. A.
Young, G. F.

TELLERS.
Parker, J.
Steuart, R.

DUCHESS OF KENT'S ANNUITY.] On the motion of Mr. P. Thomson the Order of the Day for the Committee on the Duchess of Kent's Annuity Bill was read.

On the question that the Speaker do leave the chair being put,

Colonel *Sibthorp* complained of the conduct of the hon. Secretary for the Treasury towards him as regarded the amendment which he had given notice of on this Bill, and said, that he believed it to be the intention of her Majesty's Government to throw it altogether over. On that ground, though he had been requested by the "smooth device" of the hon. Secretary to postpone his amendment, for the convenience of the Government, he should not do so, as they would not promise him a day for its discussion. They deserved not the slightest indulgence at his hands, and they should not have it. He would do his duty. If the public were satisfied, so would he be.

The House in Committee.

On Clause 1,

Colonel *Sibthorp* came forward to propose his amendment. He said, that when the House of Commons was called on to grant a sum of 30,000*l.* a-year to "her Royal Highness Maria Louisa Victoria, Duchess of Kent," he, as one of the guardians of the public purse, felt it to be his duty to express his opinion on the subject, and to inquire wherefore was that sum granted. It came down to that House as a recommendation from her Majesty, on the advice of her Majesty's servants in the Government; and no doubt her Majesty had been told by them that such a grant would be at once agreeable to the feelings of the people of this country and available from its pecuniary resources. And it was not in any spirit of disrespect to her Majesty's commands, or of irreverence towards her recommendation, that those observations which he should make on the subject matter of that grant were conceived, or his opposition to it offered. Who did this measure in reality come from? Ostensibly from her Majesty, but in reality from her responsible—he would rather term them dangerous—advisers—from those men who so loudly professed economy in their expenditure of the public money, and put forward reduction as their principle, but who, he was free to say, practised neither the one nor the other in the slightest degree during the period they—unfortunately, he should add—had held the reins of government. No one was more willing to admit the excellent qualities of the Duchess of Kent, and he had no doubt that she had fulfilled her maternal duties in the most exemplary manner, but he thought that she had, after all, done no more than she ought to do as a mother, and the country had a right to expect; and if she had not fulfilled those duties as she had done, the country would have had every right to censure her. The Chancellor of the Exchequer had argued that they were, by the proposed arrangement, only giving the Duchess of Kent 8,000*l.* per annum additional; but he denied it, and asserted that, if they looked to former grants, they would find it would be an addition of 20,000*l.* He contended that the grants for the education and virtual support of the Princess Victoria had virtually ceased and become lapsed by her accession to the Throne, and that the Duchess of Kent might now (as far as any reasons of State existed to the contrary) retire into private life; and he had no doubt that her Royal Highness herself entertained the wish. As to precedents, it should be remembered, that in the reign of George 3rd the members of the Royal Family, actually nearer to the Throne than the Duchess of Kent, were allowed much smaller incomes. His six sons were only given 60,000*l.* amongst them, and his five daughters 13,000*l.* The former certainly had much greater establishments to support than the Duchess of Kent. The hon. Gentleman on the Treasury bench had expatiated on the limited allowance hitherto enjoyed by her Royal Highness; and he certainly must admit, that if it was right to allow her 30,000*l.* per annum now on account of her proximity to the Throne, it was mean and niggardly in them to restrict her to 22,000*l.* hitherto. It was rumoured that there were certain debts incurred in the education of her Majesty still undischarged, to the payment of which this additional grant was to be devoted. If this were the case he could not help saying, that it would have been more straightforward to have brought forward that matter openly, and he would have been one of the first to have aided the re-payment. It was also asserted that there was a sort of private arrangement, that some workings were going forward in foreign lands as well as at home, where he could plainly see that hon. Gentlemen were acting upon a principle well understood in one part of her Majesty's empire, viz., "scratch me and I'll scratch you." The grant was evidently concocted and supported by those who were only anxious to secure power and place, and who, he trusted in heaven, would only hold them for a short time. It was a measure obviously prepared to please those by whose will and pleasure they continued to sit on the Treasury Bench. If they were going to grant this 30,000*l.* he wanted to know where it would go, and to whom it would go? He should now move, "That it shall be lawful for her Majesty to give and grant, by letters patent under the Great Seal of Great Britain, to her Royal Highness Maria Louisa Victoria, Duchess of Kent, for the term of her natural life, for the adequate provision of her said Royal Highness, a certain annual payment or annuity of 22,000*l.* of lawful moneys of Great Britain, in lieu of the proposed grant of 30,000*l.*

Sir *S. Whalley* felt some reluctance to the grant, and would most probably have supported the gallant Colonel's proposition but for the line of argument by which he supported it. He assured the hon. Gentleman that he was no party to the scratching system of which he spoke, and was quite surprised that a man of his gallantry should insinuate such motives where a lady was in the case.

Colonel *Sibthorp* assured the hon. Member that he did not apply the axiom to the Royal Personage alluded to, but to those who scratched her Majesty's Ministers, in hopes of getting something in return.

Mr. *Finch* asserted that instead of merely granting an increase of 8,000*l.*, they were actually giving an increase of 14,000*l.* Looking at the entire arrangement, and the circumstances under which the additional grant was proposed, he could not reconcile it with his duty to his constituents to accede to it. He must, therefore, give his vote to the gallant Colonel.

The Committee divided:—Ayes 19; Noes 67. Majority 48.

The Ayes.

Aglionby, H. A.
Alsager, Capt.
Attwood, W.
Attwood, M.
Barrington, Visct.
Broadwood, H.
Darby, George
Dick, Quintin
Fielden, John
Finch, F.
Grimsditch, Thos.
Kemble, H.
Lowther, Visct.
Richards, R.
Round, John
Tollemache, F. J.
Wakley, T.
Warburton, Henry
Wyse, T.

TELLERS.

Sibthorp, Col.
Hume, J.

The Noes.

Adam, Sir C.
Baker, E.
Bentinck, Lord G.
Berkeley, hon. H.
Borthwick, Peter
Briscoe, J. I.
Chalmers, P.
Courtenay, P.
Denison, W. J.
Dennistoun, John
Douglas, Sir C. E.
Duff, James
Dundas, Frederick
Ebrington, Viscount
Ellis, John
Fergusson, hon. C.
Fitzalan, Lord
Goddard, A.
Grey, Sir G.
Hallyburton, Lord
Hastie, Archibald
Hawes, B.
Hayter, William G.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. B.
Holland, R.
Hope, George W.
Howard, P. H.
Howick, Visct.
Labouchere, H.
Lennox, Lord G.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Maule, W. H.
Mildmay, P. St. John
Morpeth, Visct.
Morris, D.
O'Ferrall, R. M.
Paget, Frederick
Parker, J.
Pechell, Capt.
Rice, T. S.
Rich, H.
Rolfe, Sir R. M.
Russell, Lord John
Smith, R. V.
Steuart, R.
Stewart, John
Stuart, Lord James
Style, Sir C.
Surrey, Earl of
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Tracy, H. H.
Troubridge, Sir T.
Tufnell, H.
Vere, Sir C. B.
Vigors, N. A.
Whalley, Sir S.
White, A.
Wood, C.
Wood, Sir M.
Young, G. F.

TELLERS.

Stanley, E. J.
Baring, F. T.

Clauses of the Bill were all read and agreed to. The House resumed.

HOUSE OF LORDS,

Friday, December 22, 1837.

Minutes.] Bills. Read a first time:—Juries at Sessions; Presbyterian Oaths (Ireland).—Read a second time:—Prisoners Conveyance (Ireland).—Read a third time:—Houses of Parliament.—On the motion of Viscount Duncannon, Civil List.

Petitions presented. By the Duke of Sutherland, from three places in Staffordshire, for the complete Emancipation of the Negroes.

Canada.] Lord *Brougham*, seeing his noble Friend, the Secretary for the Colonies, in his place, begged leave to ask him a question with respect to any information which might have been received by her Majesty's Government relative to late events which were said to have occurred in the province of Lower Canada. Reports of a very unpleasant nature had been received this morning from Liverpool, and as it appeared probable that those reports were not without foundation, he wished to know from his noble Friend whether the Government was in possession of any authentic account from that quarter?

Lord *Glenelg:* In answer to the question of my noble and learned Friend, I have to state that Government is not in possession of any authentic account from that quarter.

Viscount *Melbourne* said, now that the subject had been named, he thought it proper to state, that he intended moving to-morrow that the House, at its rising, should adjourn to the 16th of January, instead of to the more distant day which was originally proposed, in consequence of the information which had been received, and the reports which had been published, and which, he feared, established this fact, that there was an open insurrection and rebellion in Lower Canada. That fact being established, it would be most inconvenient if Parliament at this moment were to separate for a period so long as had been originally intended. To-morrow he should lay before the House all the information which Government possessed on the subject; and when Parliament again met, her Majesty's Government would distinctly bring the subject before both Houses, in order to obtain their support for the measures which Ministers might deem it necessary to propose, not at all doubting as to the answer which they would receive.

Lord *Brougham:* As to his noble Friend's anticipation of the answer which was likely to be received by his noble Friend when he appealed to Parliament on this subject, that was a point on which he would not at present enter. But this much he would say, that he most heartily approved of his noble Friend's proposition for substituting the day he had mentioned as that to which the adjournment should extend, for that which had been at first contemplated. He thought with his noble Friend, that in the present state of the colony of Lower Canada—and with reference to that intelligence which had been received (which he agreed with his noble Friend there was much reason to consider well-founded)—it would be extremely unwise, and indeed wholly unjustifiable, if Parliament were to adjourn beyond the earliest period that suited the public convenience.

Subject dropped.

COLONIAL SLAVERY.] Lord *Brougham* wished to call the attention of their Lordships to certain papers connected with the state of the West-India colonies which had been laid on their Lordships' table. They were documents of great importance, and, in one respect, extremely satisfactory, since they tended to prove the increasing prosperity of the West-India colonies. Exaggerations and misrepresentations of the effects produced by the Emancipation Bill had gone forth, which ought to be corrected. When it was said that the Bill had produced no good effects, these documents refuted the statement, and would prove directly the reverse. He had every reason to believe that the exportation of supplies to the West-India colonies had greatly increased, instead of being diminished, since the law was passed. If those supplies were worse now in their fabric than formerly, that would in some degree militate against his argument. But the fact was, that the supply had increased, and the goodness of the articles had not been diminished. It was evident, therefore, that much benefit must have been derived by those people on emerging from a state of slavery to one of freedom, because they were the consumers of all the articles sent out from this country, for which they paid out of the earnings of their industry. It appeared on the face of the papers that there had been a general increase in the supplies sent out to the West-Indies during the six last years, from 1830 to 1836, particularly in the latter year. The average value of supplies sent out for three years before the passing of the Emancipation Bill was 2,800,000*l.*, while in the three years after the passing of that measure it amounted to 3,600,000*l.*, which was paid for out of the wages of these poor people. He was anxious that the sufferings which the slaves had been compelled to endure should be obliterated as soon as possible, and he knew that the complaint of their having been ill-treated by some individuals in the West-Indies and the Mauritius was not unfounded. But, when persons asserted that the act had been of no use—that it had wholly failed in its object, he would directly state that such was not the fact. Every facility had, he believed, been given by Government to carry the Act into effect. Having said thus much of our own Government, he might be allowed, in justice to another party whose conduct had been much condemned, to make a few observations. He alluded to the course pursued by certain citizens of the United States. No man more deeply lamented than he did the bad spirit which prevailed on this subject in a considerable portion of the American Union. No man could wish, or hope, or expect, more confidently than he did, that many years would not elapse before they should cease to have any cause of complaint against the citizens of the United States, or any portion of them, in this respect. They ought not, however, to do the citizens of the United States so much injustice as to compare their situation to the situation of the people of this country in relation to the question of negro slavery. Unthinking individuals might say, "Oh! see how badly the Americans have acted, as compared with the people of England! The English have emancipated their slaves, but the Americans will not listen to such a proposition." Now, there was not a shadow of similitude between the two cases. Did the people of England live among slaves? were they in constant communication with those unhappy people? No. But the case was different in America There the master and the slave, the oppressor and the oppressed, constantly met together. Here the people were 3,000 miles distant from scenes of slavery. Hence the great difference of feeling; and when the Legislatures of Barbadoes and of the other West-India Islands united in bringing in bills for the full emancipation of the slaves, it would be time enough for them to look down from the eminence of their lofty philanthropy, and to insult the citizens of the United States for not having followed their example.

Lord *Glenelg* said, it was clear from the documents laid on their Lordhips' table, that a great improvement had taken place in the comforts of the negroes. He was particularly happy to have the authority of his noble and learned Friend for saying that the course which Government had pursued had greatly tended to produce this progressive state of amelioration. He admitted, as his noble Friend had admitted, that abuses, to a certain degree, still continued. But he would ask any reasonable man, when a system like that which was overthrown had so long prevailed, whether it were possible for the feelings of human nature to be at once expelled—whether it were possible in a moment to remove long-cherished prejudices? When he said this, he did not stand up there in defenee of those prejudices; all he meant to say was, that, though this country, in passing the Emancipation Act, had achieved a great object, still it could not be supposed that it would remove in a moment all those prejudices which had been engendered under the old system. His noble and learned Friend had said, "You must not, with reference to this subject, judge of America by the conduct of this country, for the people here are not, as they are in certain parts of America, surrounded day and night by slaves." Now, he thought that he was bound in some degree to claim the benefit of that observation for the benefit of the West-India planters. He lamented that in some places a desire to delay the carrying the Act into effect had been manifested in the West Indies; but he was of opinion that before they condemned the planters, they ought to consider the peculiar situation in which they were placed.

Lord *Brougham* said, that what he stated with reference to America had no relation whatever to the situation of the legislatures of the West-India Islands. In Antigua and Bermuda, the slaves were emancipated with perfect safety and signal success. Why should not Barbadoes and Jamaica follow the example? If they did not, for what purpose was 20,000,000*l.* of money granted to them? If the Americans had received this premium, he would not call it a bribe—if they had entered into a compact, if they had made a bargain, if they had received and pocketed this money, and if afterwards they had refused to do that which they had agreed to do, and which those who paid them the money were entitled to expect that they would do, in that case, but not otherwise, his noble Friend would have the most perfect right to claim the benefit of his observation for the West-India legislatures. He might then say, that the cases were parallel—that the same arguments applied to both parties, and that the same measure of justice should be meted out to the West Indians which he had meted out to the citizens of America. But the cases were not at all analogous.

Lord *Redesdale* believed, with the noble and learned Lord, that the unconditional emancipation of the slaves in Antigua and Bermuda had been attended with beneficial effects. But he must observe that the situation of those islands was very different from that of many of the West-India colonies. Civilisation was in a more advanced state there than it was in many other of the islands. Nothing, he conceived, could be more dangerous than to stir up ill-feeling amongst those who were interested in this question, and he trusted that whenever the noble and learned Lord brought it forward he would not introduce matter which was likely to retard the object he had in view.

Lord *Brougham* could see no reason why one system should be pursued in Antigua and another in Jamaica. Nothing could be adduced to justify the continuance of the cruelties of which he complained. Did the local legislature seem inclined to put an end to them? In answer to that he would read, in addition to what he had laid before their Lordships on a former night, another extract from an address delivered by his noble Friend, the Marquess of Sligo, to the House of Assembly, in Jamaica. His Lordship said:—"The whipping of female slaves is indefensible; and I called upon you for enactments to put an end to a system which was contrary to humanity and repugnant to law; but so far from passing an act to prevent such cruelty, you have not, in any way, even expressed your disapprobation of it." So much for the desire of the local legislatures to act up to the expressed wishes of Parliament.

Conversation dropped.

HOUSE OF COMMONS,

Friday, December 22, 1837.

MINUTES.] Bills. Read a first time:—Election Expenses; County-Rates.—Read a third time:—Juries at Sessions; Presbyterian Oaths (Ireland).

Petitions presented. By Mr. GROTE, from a parish in Suffolk, for Vote by Ballot.

FISHGUARD HARBOUR.] Mr. *George F.*

Young, seeing the President of the Board of Trade in his place, wished to put a question to the right hon. Gentleman respecting a matter which was of very great interest to all who were connected with the shipping of the country. When the Bill for a harbour at Scarborough was brought in, the Government opposed it, and it was thrown out on account of its being proposed to levy under its authority tolls on passing shipping. But here was a Bill which had passed both Houses of Parliament, and was now in force, for the collection of passing tolls to ten times the amount, and in a manner one hundred times more objectionable. And the parties had had the effrontery to put forth in the public newspaper, advertisements inviting people to invest their capital in the speculation, holding out a prospect of dividends of fifteen per cent., in consequence of the extraordinary advantage the Legislature had conferred on them—the advantage of taxing her Majesty's subjects to an enormous amount for their own private interests. What he wished to ask was, whether it were the intention of her Majesty's Government to introduce any measure for the repeal of that most obnoxious impost, and thereby relieve the shipping interest from the most unjust and impolitic tax that ever had been imposed?

Mr. *Poulett Thomson* was obliged to the hon. Gentleman for affording him an opportunity not only of stating what the facts were with respect to the Bill in question, but also of stating the course he was about to follow, in order that it should go forth to the public, and in order that no claim might be set up by these parties for compensation, on the ground that they had not had sufficient warning. The present was one of the cases of which he had complained, not only last Session, but during the previous Session, as arising from the absence of any check in that House on the introduction of private bills. He trusted that the recommendation of the Select Committee, of which he (Mr. Poulett Thomson) had the honour to be the Chairman, would be carried into effect, and thereby protect the public interests, and prevent the recurrence of similar cases. He hoped the House would introduce such measures as would not only protect the public interests, but inflict punishment upon the parties introducing such bills. The facts were as stated by the hon. Member for Tynemouth—a private bill had been introduced for making a harbour at Fishguard. It was evident, from everything that had occurred in that House, and as it had been reported in the public papers, that the strongest feeling was entertained on both sides of the House against the levying of passing tolls, and that no bill containing a clause of that nature would be permitted to pass, the Fishguard Harbour Bill was brought in—and he might observe that it was impossible for any hon. Member to follow private bills through their various stages; they were read at such an hour, and in such a way, that their titles were scarcely heard. And what was the clause which that Bill contained? Would the House believe that in setting forth the limits of Fishguard Harbour on the Welsh coast, the limit was fixed at the bay of Wexford on the one hand, and the Welsh coast on the other; and these passing tolls were inflicted on all the shipping of the country passing up the Irish Channel, and going between Wexford and the Welsh coast? That was the most monstrous clause that he had ever heard of. If the effect of this clause could be done away with by a public bill, he should introduce it; if it could not, he thought that the Government would be justified in stepping out of its way with respect to a private bill, and he should be prepared to introduce on the behalf of the Government, and at its expense, a private bill repealing the clause, repealing all passing tolls, and leaving the parties, if they wished for passing tolls, to come again to Parliament.

Mr. *George F. Young* expressed himself perfectly satisfied with the course proposed to be pursued by Government.

AFFAIRS OF CANADA.—ADJOURNMENT OF THE HOUSE.] Lord *John Russell:* In rising, Sir, to move the Order of the Day for the House to resolve itself into a Committee of Supply, I do so for the purpose of giving the hon. Member for Westminster the opportunity of offering to the House any remarks that he may consider to be necessary or expedient to make with reference to the affairs of Canada. But lest the hon. Gentleman should be misled by the declaration of that intention which I made to this House, I wish to state to him, and to the House, what it is that is intended to be done with respect to the adjournment of this House. It was intended—I may say, we had hoped almost up to this day—that I should have been enabled to move the adjournment of the House to the 1st of February, with a view that Members might be relieved from business till that period; but, upon taking into consideration the whole of the affairs of Canada, I should think that I could not be justified in proposing the adjournment for so long a period. I do not, Sir, mean to say that any measure can be taken by Parliament with regard to the affairs of Canada; or that what passes in Parliament can have any immediate effect upon what is at present passing in the province of Lower Canada; but the state of affairs at present is this—the Assembly of that province having been convened to consider the resolutions which had passed this House, that Assembly was necessarily adjourned in consequence of the refusal of the House of Assembly to entertain the supplies, or to proceed to business; and since then details have been received from Lord Gosford, showing that the intention was not to obtain redress by means of representation from the Assembly, but to look for redress by arms, to obtain it by violence, and to oppose by force her Majesty's Government in that province. I have already stated to the House, that it being the wish of Lord Gosford to retire, although he declared that he was ready to remain in Lower Canada should the public service require it, yet if there was not that necessity it was his wish to retire from the Government of Lower Canada, as the hope of settling the disputes by conciliation with which he went there had been disappointed. When he sent that request, hoping that his appointment might be cancelled, her Majesty's Government held that they ought to relieve him from that burden, and that the duties of his office should be intrusted temporarily to Sir John Colborne. The administration of affairs which was intrusted to Lord Gosford would, in case of the retirement of Lord Gosford, necessarily devolve upon Sir John Colborne. But when the accounts which we have received showed an evident disposition to resist by force the execution of the laws—when there has been shown a disposition to force those who are well disposed into the ranks of rebellion — when such was evidently the result aimed at—indeed, I am rather understating the accounts sent by Lord Gosford—Government felt it necessary, in intrusting to Sir John Colborne the affairs of the province, to inform him that the Government had the greatest confidence in his steadiness and judgment in the administration of its affairs, and while they asked of him to forbear from the strongest measures of severity unless in cases of absolute necessity, yet in a case of absolute necessity, if he should find the proclamation for the enforcement of martial law in the province requisite, that her Majesty's Government were ready to take upon themselves the responsibility of that act, and that he might look for the support of her Majesty in his legal efforts to secure the allegiance of the province, and to retain it in obedience to her Majesty. Such, in our opinion, was the course that ought to be pursued by the Government, in duty to her Majesty, and to this country. The accounts which have been received since these orders were sent out have tended to show a greater disposition to disturbance, a greater disposition to take up arms with a view of opposing the law, than previously. With respect to the accounts in the newspapers of this day, no official dispatches have been received by Government; but I think those accounts, from the form in which they have appeared, are probably correct, and that a collision has taken place between a portion of her Majesty's troops and a number of persons in arms, assembled for the treasonable purpose of overturning the authority of the British Government in that province. In such a state of things, although I do not think that any remedy can be applied, or that Parliament could give much greater authority than the Government has intrusted to Sir John Colborne, yet I do say that we should not be justified under such circumstances, when we have the means of assembling Parliament in considerable numbers, were we to postpone its assembling beyond the time absolutely necessary for the vacation. It is our duty as soon as a sufficient number of Members can be assembled, to call them together, that they may know what course we have pursued, both with respect to what has happened hitherto, and to the intelligence that may be received between this time and the meeting of Parliament, and this in order that the judgment of Parliament may be pronounced. This appears to me to be the duty of a Ministry acting in a matter of this kind, acting, as every Ministry in this country must do, in concurrence with the opinion of Parliament, and only justified in taking measures of extreme force so long as the opinion of Parliament supports them in those measures. Therefore it is, Sir, that I state that it is our intention to produce to-morrow all the information which can be produced, without injury to the public service, contained in the dispatches of Lord Gosford. That information, so laid before Parliament, it will necessarily require some short time for the Members to consider. Although Parliament could not be immediately brought together directly after Christmas in sufficient numbers to consider a matter of such importance, yet we should not be justified in adjourning to the 1st of February; and I therefore propose, that the adjournment should be only till Tuesday, the 16th of January next. I have, then, to inform the hon. Member who proposes to make a motion upon this subject, that it would not be useful or expedient, in any answer I might make, to enter into a general statement of the affairs of Canada, upon which no definite resolution can be come to. It is not, Sir, our wish to withhold information from Parliament upon a matter so grave and so important as this. In the middle of January I propose that when the Parliament meets, we shall call upon them for such measures as the necessity of the case may demand; at least, that we may call upon them for their opinion, whether they concur with us, aye or no, in our determination that the well-affected to the Crown shall be supported, and that we, in any measures that we adopt, may say not only that we are acting by the command of her Majesty, but also with the full concurrence and consent of Parliament. I move, Sir, the order of the day for the House to resolve itself into a Committee of Supply.

Mr. *Leader* rose and spoke as follows: The noble Lord has told the House that he will lay all the papers connected with this subject before it, and the noble Lord went on to say, that he did not consider himself bound to enter further into this subject. The noble Lord will take that course which to him seems advisable; but the urgency and importance of the Canada question not only justify me in pressing the subject on the attention of the House, but render it an imperative duty on my part to call for a discussion of the question, in order to make the House and the country thoroughly aware of the present state of British North America, and to enable them not only to form an impartial judgment on the past and present conduct, and on the intentions, of the Government, but to decide for themselves what is now the best course to be taken for the interest alike of Canada and of Great Britain. The interests, the liberties, the very lives and fortunes of our Canadian fellow-citizens, the honour and peace of this country, are in imminent danger; it cannot, then, be unreasonable or ill-timed to ask the Representatives of the people to consider by what means a great, flourishing, tranquil, and eminently loyal colony has been driven into a state of disturbance, amounting to open insurrection; by what means the evil may be removed or mitigated; and above all, by what means we may be saved from an unjust war, which can bring no advantage, and which, whatever its results, must inevitably inflict dishonour on this country. It may be advisable, first of all, to give a very brief sketch of the present uneasy state of Lower Canada, and of the chief cause of that uneasiness. The affairs of that country, owing to its disturbed state, and to the deep and painful interest which attaches to the cause of a gallant but comparatively small and feeble people struggling for their rights against a gigantic power, have lately occupied so much of the public attention that a very concise statement will be sufficient. For many years past, the Canadians have complained of numerous grievances, and, having first petitioned in vain, they at last demanded redress. Although every one of their complaints was admitted to be well founded, their prayers were neglected, their demands were treated as unreasonable; they were too weak to command attention, for they were not considered strong enough to enforce redress. For many years they went on petitioning in vain; trusting to the generosity of England, and hoping for relief, till even the hope of justice from England seems to have left them, then, and not till then, having discovered the fruitlessness of supplication, they had recourse to that legal power which their constitution gave them, and they refused to vote any money for a Government which had obstinately refused to accede to their just demands. In doing this, they exercised a known, recognised, legal right, conferred upon them by the constitution which England had given them. You say they used their right improperly and at an improper time, and therefore you coerce them; but you are not to make yourselves judges of the time and manner in which a constitutional assembly is to exercise a legal right. Yet such was the course pursued by the Government, when the Canadian Assembly determined to vote no supplies till their acknowledged grievances were redressed. Instead of redressing, or attempting to redress the grievances complained of, the Government passed resolutions subversive of the Canadian Constitution. By these resolutions the Canadians, before excited by long years of misgovernment, were driven to desperation. They saw clearly that there was no justice for them in the executive government, or in the colonial-office, or in the British Parliament; that it was the intention of the Government to chastise and to oppress them. They felt that they were forced into this dilemma, either to submit to the resolutions and be slaves, or to resist them and run the risk of civil war. In this dilemma, they made that choice which would be made by every people who had once enjoyed any portion of freedom—they determined on resistance. They would have been despicable, and the English people would have been the first to despise them, if taking the other alternative, they had tamely submitted to injustice and oppression. Their measures of resistance have been well considered and well executed; meetings were held, at which the resolutions, and the Ministers who passed them, were denounced in the strongest terms of indignation and defiance; addresses were issued plainly declaring that no justice could be now expected from England, that the Canadians must now trust to themselves alone, and that they had no chance of good government but in a separation from Great Britain; clubs were formed for the purpose of complete organisation, and especially for mustering, and drilling, and habituating to the use of arms and to military evolutions the young men of the province; provisional local courts were established for the administration of law and the settling of disputes; the established courts, and those who continued to take their differences to be decided by them, were publicly denounced; all commerce and intercourse with English merchants was publicly proscribed, the Canadians pledging themselves to use no taxed articles that they might injure the revenue, and generally to use no articles of British manufacture, that they might show their sense of the injustice which the British Government had inflicted upon them. All these measures of resistance were carried into effect under the management of committees of vigilance, appointed especially for that purpose; but the Canadian population needed little or no admonition from their leaders to induce them to adopt, and rigidly to adhere to, these measures; their heart was in the cause, and he was considered the best patriot who most embarrassed the detested, because tyrannical, Government. So well have the measures of resistance been executed, that Canada is now in open revolt. There is one point to which I would especially call attention, and that is, to the determination of the Canadians to use no articles of British produce. The manufactures of this country, already embarrassed to find a sufficient market for their produce, will thus be almost entirely shut out from the markets of a country which consumed annually a large quantity of their produce. The House will remember that precisely the same system of non-intercourse was pursued by the Americans in the commencement of their struggle. The idea was ridiculed by the Minister of the day, who seemed really to believe that the Americans could not exist without articles of British produce. What was Benjamin Franklin's evidence on that occasion, when he was asked if he did not think cloth from England absolutely necessary for the Americans. "By no means," he said, "with industry and good management they may very well supply themselves with all they want." When he was further asked, if it would not take a long time to establish the manufacture among them, and if they would not in the meanwhile suffer greatly? "I think not," he answered; "they have made a surprising progress already; and I am of opinion that their old clothes will last them till they have new ones of their own making." The very same words may be applied to the present case, but with this addition, that the Canadians have also the advantage of getting all they want by smuggling from the United States. In this they will of course be assisted by the Americans, who derive from the system all the advantages which the British merchant has lost. An extensive plan of smuggling is accordingly at this moment in active operation; it is recommended openly at public meetings, and of course assisted in every possible manner by the Americans and the population on each side of the border. It may be said, that this plan of non-intercourse cannot have the effect intended by the popular party, because there is a strong and numerous party in Canada which far from adopting the system, will make every exertion to defeat it. Now, where is this party to be found, and who compose it? Why, it is to be found in Montreal and Quebec only; and it is composed almost entirely of those British merchants and their dependents against whom the system is expressly levelled; and stating their numbers at the very highest amount, they do not form one-fifth of the population. Now, that I am speaking of the ascendancy party, I have a remark to make on a recent riot at Montreal, in which it is said the popular party was defeated., and which has given rise to many exaggerated estimates of the strength of the ascendancy party in Lower Canada, and to many vain boastings of the ease with which the minority could put down the majority in that province—precisely as the Orangemen in Ireland are continually boasting of their superior intelligence and bravery, and of the ease with which they would, if permitted by England, overwhelm and for ever silence the Roman Catholics of Ireland. Now, the facts of the case are briefly these:—"A detachment of a club called the 'Sons of Liberty,' on their way home from a meeting, were attacked by a Tory Club, called 'The Doric.' The aggressors were beaten off, and there the matter would have ended, but that the Tories, reinforced, came back to the scene of action, and finding no one there to oppose them, they proceeded to attack the office of *The Vindicator*, a Liberal paper, in which office there happened to be no one but an old woman. The Tories bravely stormed the office thus garrisoned, and destroyed all the property which they there found. And this is the great affair which has decided that the Tory party is much stronger than the popular party in Lower Canada. Now, consider the case for a moment; the strength of the Tory party, if not the whole party, is confessedly concentrated in Montreal and Quebec; the chief official and military force is also mustered there. Now, it would be madness in the popular party to commence the insurrectionary movement in either of these towns; in them they would be exposed to every disadvantage, while in any country district they would have every advantage. Besides, the triumph, if triumph there be, was achieved, not by the Tory mob alone, but by the Tory mob backed by the presence in the town of a large military force; and such is the estimation in which British magistrates and British troops are held by the Canadians, that they firmly believe that in any disturbance or collision between even a Tory and Liberal mob, the magistrates and troops would not act fairly to disperse the general mob, and to afford equal protection to the persons and properties of Tories and Liberals indiscriminately, but that they would act as partisans for the Tories and against the Liberals. The fact is, that the riot at Montreal affords no indication whatever of the relative strength of the Tory and Liberal parties in Canada. It would be as reasonable to bring forward a riot at Belfast or Londonderry, in which an Orange mob should gain some slight uncontested advantage, as a proof that the Orange party was much stronger than the Roman Catholic party throughout Ireland. But what is the state of feeling in the other North American colonies? We are told by the Government that Lower Canada alone is discontented and rebellious. The Ministers find it quite refreshing to turn from the inflammatory denunciations and the violent resistance of the Lower Canadians to the calm, peaceable, well-effected inhabitants of Upper Canada. But are they not deluding themselves with vain hopes? There have been many meetings in Upper Canada, attended by great numbers of armed men; and at those meetings the coercive resolutions have been denounced in language as strong and as stern as in Lower Canada, and solemn pledges have been given by those present to their brethren in Lower Canada that they will assist them to resist the oppression of the British Government, and to assert their independence—and if Upper Canada is so very quiet and well disposed, what can be the meaning of certain demands made at these meetings for redress of grievances?—and why has the governor, who, according to official judgment, had done so much good in the province, lately resigned or been dismissed ftom his Government? But even if Upper Canada were really as quiet as Ministers would have us believe, they have determined that it shall not remain quiet much longer, for they have sent out as governor a man who, if he did not find a rebellion there, would be the cause of one. I have never seen Colonel Arthur—I hear from good authority that he is a man of talent and a good soldier—yet a more unfit man to be sent out as governor of a free colony could not have been selected. I pass by the grave and serious charges which are made against him, and I ask, is a man who for the last ten years has had despotic sway over a penal colony a fit man to send out as governor of a free colony?—that is, in other words, a man who has had to enforce a system of the most barbarous cruelty in a country which is one huge prison-house. It will, it must, hurt the proper pride of free colonists to have such a man set over them, and especially at a moment when the public mind in a neighbouring colony, if not in the colony itself, is most highly excited. Have Ministers heard no whisper of grievances unredressed in Nova Scotia and New Brunswick? Have they heard nothing of stopping the supplies in Newfoundland? Why, in *The Chronicle* of yesterday there was a paragraph, stating, that the differences in Newfoundland were not arranged, but that "no riot had yet taken place;" as if the writer was expecting every day to hear that the inhabitants of Newfoundland had imitated the Canadians in insurrection, as they have already imitated them in refusing the supplies. Why, this is the very crime of the Canadians — the Government, if they mean to act consistently in their injustice, must at once draw up coercive resolutions against Newfoundland, and deprive the inhabitants of that province of their constitutional rights. The whole of British North America is in a state of uneasiness and disturbance; the Government, therefore, in any struggle, will have to contend, not against Lower Canada alone, but against all our colonies in North America. I come now to a review of the strength of the contending parties—of the chances of success, and of the consequent advantages which England on the one hand, and the North American provinces on the other, may fairly anticipate as the result of their struggle. On one side, then, is the authority of the Executive Government backed by the large military force, and all the power at their disposal —I will not say supported by the power of England, because I hope and trust that the people of England would not sanction a crusade against the constitutional rights of a free colony. But great as the power of the English Government unquestionably is, it was found insufficient, even when fostered and encouraged by the popular voice of England, to put down the comparatively insignificant force of the Americans, at the commencement of their struggle for independence. On the other side, the great distance from England— the vast extent of country to be subdued and occupied—and, above all, the determined spirit of the people, inflamed by the memory of wrongs unredressed, fortified by the conviction that they had justice on their side—all these obstacles now interpose, as they interposed in the last century, between any attempt of the English Government to coerce our North American colonies, and a successful termination of any such attempt. There is, thus, the obvious obstacle of conveying troops to the other side of the Atlantic, and keeping them in a country like Canada, with four-fifths of the population hostile. With a small force you may possibly keep possession of Quebec and Montreal, though Quebec is the only really strong place in the country. Montreal is an open town, and any military operations in it would do mischief chiefly to the warehouses and dwellings of the British merchants. But to keep possession of the country districts would require a very large force, at an enormous expense, and producing no advantage whatever to this country, and it would be almost impossible for almost any force effectually to protect the steamers and other vessels navigating the St. Lawrence from Quebec upwards from the harassing attacks of any small predatory parties suddenly posted on any of the numerous islands which stud the river, or on any of the high grounds which command it. But the Canadians have two advantages which the Americans had not: first, the inducements held out and the facilities afforded to British soldiers to desert; and, secondly, the assistance which has been offered, and will unquestionably be given to them by large and independent, but well armed and organised bodies of citizens from neighbouring states. The noble Lord denied the other night that there was an unusually large amount of desertion from the military force in the Canadas; the usual amount of desertion there must then be very large indeed, for I have from the best authority that it is difficult to keep the regiments together, and that small detached parties frequently desert in a body. This will appear not only probable, but a thing in every way to be expected, if the position of a British soldier in North America be considered. He is in many stations within sight of a country where by a few months of labour he may save enough to enable him to become an independent proprietor, and a citizen of a great and fair nation. He cannot fail to compare his ill-paid, hard-working, inferior station on one side of the river with what it might be on the other side; and should he fail to think or to make the comparison for himself, he finds plenty of hints and information in the public papers and in the conversation of the people. Here is one of the advertisements, many of which appear almost every week:—"Five thousand labourers wanted at Indianopolis, Indiana, at from fifteen to twenty dollars a month, and board." A Canadian paper remarks, "We wonder if we could be indicted for treason, if we give it as our opinion, that twenty dollars a month and board in Indiana, are much better wages than sixpence a day with the privilege of being flogged or shot in the British army?" Moreover, the popular party, should they succeed, have lands wherewith to reward the Americans and the British soldiers who have assisted them. Certain lands — such as the reserved lands—the lands of the North American Land Company, and perhaps also certain lands which belong to persons who have meddled in the affairs of the country, to the great detriment of the people, will be confiscated and divided amongst the Americans and the British soldiers who have assisted the popular party, in proportion to the amount of service rendered. As to the assistance of American citizens, it is imagined by some persons in this country that the American government has the power to prevent, and would prevent, any such assistance. The recent example of Texas is enough to show that, however anxious the American government may be to prevent American citizens from taking part in a contest between a neighbouring country and one of its revolted provinces, there is no such power in the American government. There is no Foreign Enlistment Act in America, nor any chance of such an act being permitted in that country, and bodies of armed Americans may and will march to the assistance of the popular party in Canada which has risen against the English Government, precisely as bodies of armed Americans might and did march to the assistance of the Texians who had revolted against the Mexican government. The Government will thus have a more difficult task than they seem to anticipate; they seem by their speeches, and by the tone of their organs of the press, to look upon the outbreak of the Canadians as a mere passing ebullition of discontent on the part of a small but factious section of the people, incited by some disappointed and ambitious demagogues. It would be a waste of time to attempt to convince men who have resolved not to be convinced; but I must say that the facts of the case, even as stated by their own organs, plainly contradict their assumption, and would be sufficient to make reasonable and unbiassed men somewhat doubt whether there was truth in the information conveyed to them by their dependents, that the feeling of discontent was partial, and confined to a small party of disaffected French Canadians. Take the account of the first affray between a body of the popular party and a detachment of Montreal cavalry. From that very statement, garbled and perverted, as it evidently is, for party purposes, it appears that a body of some hundred insurgents appeared in arms, drawn up behind a breast-work of trees, felled and thrown across the road, that they rescued some prisoners, and put to flight the cavalry who had charge of them. The country near the scene of action is described as being in that state in which an insurgent district generally is: houses deserted—goods and provisions removed—the women and children gone to a place of safety—the men, armed with their rifles and hunting knives, scouring the country in small parties, or, as in this case, posted in ambush in the forest, to intercept a detachment of troops. The authorities at Montreal seem to have been aware of the state of the country, or why were they so particular in their orders of caution, and their strict injunction not to pass the bridge? To show that I have fairly stated the case, here is an extract from *The Chronicle*:—

"On Friday morning, (says *The Montreal Herald*, from which we gather most of our information), when about a mile from the village of Longueuil, the cavalry came up to a body of several hundred armed men, who were stationed behind a log fence, evidently prepared for their arrival, and apparently disposed to interrupt their further progress, and rescue the two prisoners. About sixty men of this multitude went upon their knees, so as to take a deadly aim, when Malo called out, 'Do not fire!' and the command was given to the cavalry to halt, which was, fortunately, promptly obeyed, as a considerable portion of the enemy's fire, given at the same moment, proved ineffectual, owing to their anticipating the continued advance of the troop. The cavalry then wheeled about and discharged their pistols amongst the crowd, and it is reported with some effect, as several were supposed to be killed or wounded. The little band of volunteers providentially escaped with but, comparatively speaking, slight injury, three only being wounded, Lieutenant Ermatinger in the face, Mr. Sharpe in the leg. It is extraordinary that every individual of the corps was not cut to pieces, the disparity of numbers being so great. Several of the horses were wounded severely, owing, it is supposed, to the rebels firing so low. The houses and barns by the road side, from which the cavalry had been fired upon in their retreat, were all found with the doors and window-shutters nailed up. A careful search was, of course, made; but though the fires were still burning in some of them, there were neither weapons nor inmates to be found in any. The party then proceeded along the road, finding the houses, with one or two exceptions only, deserted, and uniformly without arms in them. Scouts were frequently seen mounted, and riding down the several concession roads to the main roads; but upon sight of the troops they uniformly started off again. An individual, who was met upon the main road, stated, that as he came along he had seen numbers of men, women, and children, leaving the houses along the road, and going off right and left, the men mostly armed. About six miles from Chambly, a man was overtaken on the road armed. When arrested, he admitted that he had turned out to join a party that was designed to intercept the troops. About a mile further the cavalry, who were little in advance of the main body, gave chase to a party of about thirty armed horsemen, whom they saw at some distance before them, and who made off immediately at full speed, turning to the left up a concession road towards the Belleisle mountain."

And where, it will be asked, did this affray take place, and what is this disturbed district? It must, you think, be a French district, in the very heart of the disaffected French population. No; it took place in one of those townships which are thought by the Government to be best affected. As to the alleged insignificance of the movement in Canada, and the ease with which Government expects to put down the insurrection, it would excite a smile, were not the subject of too serious and painful a nature, to hear precisely the same language now held by the Government as that which was held by the Government of the last century concerning the American resistance. Did the noble Lord ever read a paper of Franklin's called "Rules for Reducing a Great Empire," &c.?—It is very applicable to the present case:—

"Rules for Reducing a Great Empire to a Small One, presented to a late Minister when he entered upon his Administration.—XVI. If you are told of discontents in your colonies, never believe that they are general, or that you have given occasion for them; therefore, do not think of applying any remedy, or of changing any offensive measure. Redress no grievance, lest they should be encouraged to demand the redress of some other grievance. Grant no request that is just and reasonable, lest they should make another that is unreasonable. Take all your informations of the state of the colonies from your governors and officers in enmity with them. Encourage and reward these leasing-makers; secrete their lying accusations, lest they should be confuted, but act upon them as the clearest evidence, and believe nothing you hear from the friends of the people. Suppose all your complaints to be invented and promoted by a few factious demagogues, whom if you could catch and hang, all would be quiet. Catch and hang a few of them accordingly, and the blood of the martyrs shall work miracles in favour of your purpose."

The same blind faith in the report of officials and dependents, the same overweening confidence in their own strength, the same contempt of the armed peasantry opposed to their regular troops. It seems as if we had undergone the disgrace and the disasters of one American war in vain—as if the affair at Lexington, which at the time was sneered at like this affray at St. John's, but which led to mighty results, had passed into oblivion—as if Franklin had never written, and Washington had never fought, against Great Britain, for the honour and the independence of their oppressed and insulted native land. But, supposing that the Government should be successful in the approaching struggle—suppose that they should even succeed according to their own most sanguine expectations in speedily putting down with little bloodshed the insurgent Canadians, what, I ask, will be gained even by success? You will have gained a discontented province, ready on the first opportunity to break out into open rebellion, and which you will be able to keep in subjection only by a general and expensive military occupation of the country. What are the advantages supposed to be derived from that as from other colonies? An outlet for our manufactures, employment for our shipping, and a country for the emigration of our surplus population. For every one of these purposes, British North America would afford a larger and fairer field, if it were an independent power friendly to Great Britain. There is an example and proof of this in the case of the United States; and as two-thirds of the trade with Canada are forced and factitious, originating in the discriminating duty of forty shillings a load imposed on timber from the north of Europe over and above what is imposed on that brought from a British settlement in North America, and as almost the whole state of the Canadian trade may be shown to be injurious both to England and to Canada, there would be this great additional advantage in dealing with Canada as an independent state, that we should not then be compelled to tax ourselves to an enormous amount in taking bad and dear timber from Canada when we could obtain cheap and good timber from the north of Europe, nor should we be forced to pay for the maintenance of a large military force to keep possession of an unwilling colony. Canada, as a colony, is already a burthen to the people of England. By persevering in your present course, you will destroy or diminish every one of the advantages which you are now supposed to derive from the possession of Canada should the war continue—it may even become general. All trade and emigration to Canada would be destroyed. Should the Canadians be speedily put down, yet trade and emigration would both be damaged; and should the contest terminate in favour of the Canadians, there will yet have been created such a feeling of hostility to England, that for a long time even after separation, your trade would be almost destroyed and emigration to Canada almost prevented. Whatever, then, the result of the present struggle, the vacillating policy of Ministers will have produced decided mischief. In this dilemma, have the Ministers involved themselves, that, owing to their measures, England must incur disgrace and loss. If they fail in the contest, they will have brought on us the disgrace of an unjust and unsuccessful war, and the loss of any advantage which Canada may now confer on us; and if they succeed, they will still have brought on us the same disgrace and loss, with this difference only, that an unjust war has been successful. But how is it possible to avoid or mitigate the impending evil? Before collision had taken place between the Government troops and the Canadian people—before blood had been shed—I should have said that there were two ways of avoiding the evil: one, by immediate redress of grievances and immediate acquiescence in the demands of the Canadian Assembly. It is now, I fear, too late for that course. The other and only remaining course is an amicable separation of the two countries. The North American provinces are now strong enough to take care of themselves, and they know it. Is it then prudent to insist on keeping them in politica subjection for a short time longer, knowing that they must soon be independent, and that if coerced now they will be hostile to England for many years—and that if an amicable separation be effected now, while it will anticipate the period of their independence but by a few years, it will render them sure friends to England, and convert their country from a burdensome colony into a most profitable free market for our manufactures, and a better and a more inviting field than now for emigration? The question, then, is now no longer one between parties in the colony only— it is no longer a question of right between the popular and the official parties, nor between the majority and the minority—nor, as the Government would have it appear, between the French and English races. It has become a great and urgent question between the Government and the people of England, whether the Government shall or shall not be permitted to plunge the country into a contest, indefensible on any principle of justice, and likely to involve us in a general war. Will the people consent to the pouring forth of blood and treasure to uphold the authority of the Colonial-office, or to gratify the love of dominion, or at best to keep in unwilling subjection an expensive colony? Will they support the Government in an unjust war, and submit to additional burdens in order to coerce the provinces of British North America? That is now the question; and it must be soon decided. I have thus endeavoured to show what is the state of Canada, and what must be the result of war with the Canadians—I have also endeavoured to show how the evil might even now be averted, or much mitigated. To the weakness and incompetence—to the affected fairness and yielding, followed by threats, and oppression, and insult—to the incapacity and vacillation of the Government the troubles which are now pressing on Canada, and those greater evils which are impending over both Canada and Great Britain, are almost entirely to be attributed. It is the present Government which, after having acknowledged the grievances of Canada, refused to redress them—which, when the Canadians asked for justice, sent them by way of conciliation, a coercion bill—which has insulted the assembly of their representatives, and violated the first principles of their constitution, and which, having thus driven the Canadians to resistance, now seeks, at the risk of a general war, to reduce them by force of arms to a state of abject submission. Whatever may be the result of the contest, I rejoice that the Canadians have resisted. Half a million of people so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest. The noble Lord remembers similar words; he remembers by whom, and on what occasion they were used more than seventy years ago; he remembers the events of that period; but he seems to have forgotten or disregarded the warning indelibly stamped by them on the tablet of history. In defiance of experience, his Government is pursuing now the very course which then led to disaster and disgrace; and if they obstinately persevere in that course, I trust and verily believe that, even should they escape immediate and well-merited punishment, they will be held up to the scorn and execration of posterity, as the men who, with the example of the struggle for American independence before their eyes, plunged England into a disgraceful and disastrous war, for the purpose of chastising a colony which they had themselves, by their own incompetence, injustice, and misgovernment, forced into open rebellion.

Mr. *Charles Lushington* said, that although he did not intend, after what had fallen from the noble Lord, to enter at large into the affairs of Canada, he could not sit quietly by and hear such language as that which had been used by the hon. Member for Westminster without expressing his utmost indignation. The hon. Gentleman had described to the House scenes of bloodshed and of hatred among unhappy countrymen in a distant part of the world, and dwelt upon it with feelings of exultation, which to almost every Member of that Assembly must have been most unpleasant and cruel to their feelings. The hon. Member for Westminster had not expressed the slightest commiseration for the miseries which these occurrences had brought upon Canada; but had exulted at acts of treason, which he certainly did not expect from any hon. Member of that House. The hon. Member seemed to revel in the idea that the course of justice had been suspended, and that the law of a party of insurgents had been established in its stead. The hon. Member 'had hailed with feelings of pleasure and delight the prospect of desertion from the British army, and had adverted to the advantages which were held out to those who deserted. He did not intend, as he had stated when he rose, to enter into the discussion of this question; but he had thought it his duty as a good and loyal subject, and as a Member of that House, to express the dissatisfaction, indeed the indignation, he felt at certain passages in the hon. Gentleman's speech.

Mr. *Hume* said, the hon. Gentleman who had just sat down had expressed his indignation at the language used by his hon. Friend, but he thought it would have been better if the hon. Member had considered whether there was just cause for that indignation. He wished the hon. Member had directed a little attention to the causes of these things, and had not begun by attacking his hon. Friend for doing that which he considered to be his duty. The hon. Gentleman complained that his hon. Friend had not expressed any regret or commiseration at the existence of the present state of affairs in Canada. Why, so far from this being the case, his hon. Friend had commenced his speech by deploring his being obliged to bring forward at this time the statement of such occurrences. The hon. Gentleman next accused his hon. Friend of having exhibited feelings of delight at the suspension of the duties of the courts of law, and at the desertion of the troops to the insurgents. Let the hon. Member consider what were the duties which good citizens were called upon to perform, and ask himself whether any man could applaud on seeing soldiers called into the painful situation of supporting tyranny against their brother citizens; let the hon. Member inquire who had produced these evils. Was it the unoffending citizen? No, but the British Government, with all its unjust system of colonial agency, which had endeavoured to maintain principles utterly inconsistent and repulsive to the feelings of the people. The hon. Member might call the Canadians rebels if he pleased, but was there not as much virtue in resisting an illegal act as by upholding the principles and institutions of liberty? Did not the hon. Gentleman suppose that there was a limit to human suffering, and that there was a point when resistance became a virtue; and he asked the hon. Gentleman whether the Canadians had not arrived at that point? The hon. Member had not given a thought whether these unfortunate individuals would be driven perhaps, from their own firesides to the northern snows, rather than brave the tyranny of the Colonial Government. The noble Lord had intimated at the assembling of Parliament that he should take into consideration the affairs of Canada, but why had not the noble Lord profited by the advice and the warnings which had so repeatedly been given him? Let the noble Lord look to the year 1828, when petitions containing statements of the grievances of the Canadians were brought up. The subject was referred to a Committee; and what did the Committee report? Did it report that the complaints were frivolous or vexatious? No; but they brought up a report pointing out the grievances which had so long existed in Lower Canada, and the origin of them; and in the plainest language declaring that the Canadians were entitled to redress. Well, redress was promised, but none was ever given. Lord Dalhousie had been withdrawn, and was succeeded by Lord Aylmer, who was again replaced by Lord Gosford, but nothing was done to redress one of the grievances so justly complained of by the Canadians. Injustice and oppression were allowed to be continued under every succeeding governor, as in the case of Colonel Arthur in Van Diemen's Land, who was so detested that bonfires were lighted upon every mountain when he left the colony. The hon. Member who condemned his hon. Friend, the Member for Westminster, should put it to himself whether the Canadian Government had been such as any man in the country could bear; then ask himself who was to blame—the Government, who had brought on this state of things; or his hon. Friend, who had but fulfilled his duty in exposing it? Last year the Government was warned that it was about to infringe the constitution of the Canadians — the constitution given them in the year 1791—by the resolutions which it brought up to the House of Commons; that it was depriving them of the greatest privilege which could be enjoyed by a free country, by taking from their treasury the taxes which had been paid by the Canadians, and in the distribution of which they ought to have whole and sole authority. The noble Lord was warned that the Canadians would rise up against an increasing tyranny like this; that if they did otherwise than resist they would be slaves, and worthy to be treated only as slaves. But the Canadians were to be oppressed, forsooth, because they were of French origin. The noble Lord appeared to have totally forgotten the experience of past ages. He appeared to forget that at the first outbreak of the last American war an officer said, "Give me a regiment of soldiers, and I will drive these rebels from one end of the colony to the other." He would put a question to the hon. Member. Suppose an English Ministry were to endeavour to act towards England as they were now doing towards the inhabitants of Lower Canada — suppose they were to pretend unconstitutionally to dispose of the property of British subjects, supported in so doing by a minority of fifty-eight Members in the English House of Commons against six hundred—was there any man who claimed to be a freeman who, if a military force were to be brought out to support so illegal and tyrannical a proceeding, would not give open resistance? In Lower Canada the case was precisely this. Out of seventy-eight Representatives, only eight had been found to agree to the unconstitutional resolutions of the British House of Commons. They had risen to resist them; and he would ask whether, after years of petitioning in vain, it was not enough to rouse any man to resistance? He believed that the Canadians had no wish to separate from the mother country. All they wanted was good government, in order to render the colony prosperous and happy. It was only by repeated aggressions against their feelings and their liberties that they had at length been driven to adopt such extreme proceedings. To confirm this he would refer to some passages in the resolutions of one of the county meetings, similar meetings having been held in all the counties. The resolution stated, "That the colony had been uniformly oppressed since it fell under the British domination, that justice had been constantly refused them, and that the late debates in the House of Commons showed that there was no hope for them but in their own exertions, and the assistance of those whom nature had designated as their allies." The next resolution was to the effect that "the resolutions passed in the House of Commons, on the motion of Lord John Russell, were an injustice to the colony, that Great Britain could not seize on their money without a manifest violation of their rights as British subjects, and that it was the duty of every such person, by every legal and constitutional means, to resist such an interference." Now, he would ask, was there anything improper in these resolutions? Looking at the noble Lord as an historian, he was surprised that the lessons of history had been so lost to him as to suppose that a mere piece of waste paper such as that which was sent to the Canadians could coerce a great and free people. When Lord Gosford found that the people would meet to express their opinions on the resolutions of the House of Commons he issued a proclamation forbidding them to meet. The proclamations were torn from the church doors, but the governor dismissed from the magistracy and the militia two persons who took part in tearing down, or rather in removing, these proclamations from the doors. A member of the Assembly, also, who had been requested to meet his constituents on the subject, was also dismissed from the magistracy. After this every officer and magistrate who attended these meetings was similarly dismissed. When this was found to be the system pursued by the governor, a meeting of the inhabitants took place, where it was resolved, that to hold a commission under Lord Gosford, under existing circumstances, would be disgraceful, and where all the friends of the Canadians, who held such offices, were called upon to resign them. This invitation was immediately acceded to, and scarcely one of the former magistracy remained. Upon this Lord Gosford appointed others; but the people again met and declared that, as the newly-appointed magistrates were men who were known as those who were in league with the oppressors of their country, they would not submit their cases to them, but appointed magistrates of their own to act as arbitrators in all matters of dispute which might arise among them. Meetings of 1,200 and 1,400 persons were held to entertain the officers and magistrates who had resigned their commissions. Here was a state of things which the most submissive meekness could not endure. He agreed with his hon. Friend, the Member for Westminster, that there was a time when resistance became a virtue. Whether that time had arrived or not, the Canadian people were the judges. The only question was, whether the conduct of the British Government, for the last ten years, had not produced that state of things from which the present lamentable condition of the Canadians had arisen. He saw by a paper which had been placed in his hand since he came to the House, that it seemed to be a question whether companies of British troops were taken prisoners, or whether they had succeeded in burning villages or destroying the country. These were lamentable surmises. He fully believed that the noble Lord (Lord John Russell) was ignorant of the state of the colony when he proposed the measures which were adopted. He would remind the noble Lord of an opinion which had been uttered by a noble Duke, who, in speaking of the possible consequences which might result from the continued oppression of Ireland, declared that he never could feel satisfied in his conscience if the result of persevering in oppression were to be civil war. And who was that noble Duke? Why, no other than the Duke of Wellington. Did any one blame him for that announcement? No; the whole country applauded the sentiment thus manfully expressed, and Ireland profited much by it. The fruit of the noble Duke's timely concession was peace; and was it too much to ask the noble Lord to follow so salutary an example? When the noble Lord saw how happy that country became after having been oppressed and trampled upon by the Tories, he ought to recollect that they had formerly been invariably told that Ireland never could be at peace, and that the people of that country were naturally rebellious, discontented, and factious. No sooner, however, was the obvious remedy of yielding in time adopted, and granting that measure of relief which ought to have been long before conceded, than the whole appearance of things was changed. And what had since been the condition of Ireland? He knew it was the fashion for hon. Members on the other side of the House to represent Ireland to be in a state of greater distraction since, than she had been before, that period. But this only convinced him how short-sighted some men were, and how unwilling they were to open their eyes to the fact, that Ireland had been, and was now, in a peaceful state. She waited, no doubt, for further concessions. Had she not a right to them? So long as one grievance remained unredressed, she ought never to rest contented. There was no reason why her people ought not to be placed on the same footing with those of England and Scotland. He could not understand the opinions of Gentlemen, who said—"You see the consequences of your concession: it only acts as a stimulant for a still further demand, and thus you must go on from year to year adding to the grants which you have made." Why, he maintained that such was the natural course of things; for every concession added to the power of the oppressed, and helped them to raise themselves from the state of suffering and degradation to which they were reduced. It was to him a matter of sincere gratification to see the change of policy adopted with regard to Ireland; and if anything could add credit to the Melbourne Administration, it was the course which they had adopted with regard to that country, in opposition to that pursued by those who had preceded them. When Mr. O'Connell brought forward the question of the repeal of the union, what was the answer to the motion? Why, that Parliament would take into immediate consideration the evils of Ireland, grant them all just requests, and place them in a situation to benefit by the union which had been formed. He entreated the Government, then, to take the same steps with regard to Canada as those which they had so successfully followed in the case of Ireland. Let them not be ashamed of retracting the proceedings which they had taken, and which caused the infliction of so many wrongs, and such great irritation. Let them not now persist and be hereafter obliged to express their regret in sackcloth and ashes. The noble Lord had declared, that if the opinion of that House had not been supported by a large majority against the House of Assembly, he should not have felt justified in adopting the measures which had been put in execution. If the noble Lord, then, did not expect that the House would alter its conviction, why should he not, now that he had triumphed, now that he had a subservient House of Commons, and a power to command the majority which he desired, admit, without any of the hesitation that some persons felt in confessing themselves to be in the wrong, that he acted for the best, but was mistaken; that he expected the advice of the Commissioners would sanction the steps which had been taken, though they had been told that the Commissioners knew nothing about the matter; and that if he had committed a fault, he only sinned in common with the House of Commons, which, with the exception of fifty-six Members, concurred in his view, which was fortified by the favourable opinion of another branch of the Legislature said to have great influence, with the exception of one man who dissented from the proposal, for passing those resolutions which had produced such a talismanic effect. Instead of producing peace, from the day on which they were promulgated, every county and city was a scene of agitation and destruction, and no tranquillity existed for the period preceding the actual outbreak of civil war. Lord Gosford had acted with a want of judgment and knowledge of mankind which showed him to be incapable of discharging the high and important duties intrusted to him, and had been allowed to linger out in possession of his official station until a state of discontent and dissatisfaction was produced which, instead of being calmed by conciliatory steps, was inflamed by a firebrand cast into the elements of strife and discord from Upper Canada. The Government of Upper Canada was placed in the hands of a few Orangemen; and this produced all the evils which they were now called upon to remedy. What the result of the late changes in the appointment of Canadian governors would be he could not foretel; but he thought the troops, as far as he could judge from the accounts which had been received, were sent out to tyrannise and oppress. He trusted, then, that the Government would see the propriety of retracing their steps before civil war was rendered inevitable. All he asked was, that justice should be done to the Canadians; and the rights of the constitution imparted to that oppressed people. He trusted that in a case which so nearly resembled that of their own country, the Irish Members would not, as many of them he was sorry to say had done on a former occasion, desert their posts during the approaching discussions. Parliament would meet on the 16th of January; that time would soon arrive; and the Irish, Scotch, and English Members would be once more assembled. He had no hopes that hon. Members on the opposite side would assist the cause of the Canadians. When the maintenance of misrule was the question, his experience told him that it would meet with the most powerful aid from that quarter. If the Gentlemen opposite would allow the Government and those who thought with him (Mr. Hume) to proceed with this business, there would be some chance of preventing her Majesty's Government from persevering in acts of tyranny and oppression.

Mr. *Gladstone*, though he concurred in the opinion that they were discussing topics exceedingly vague, and that they had entered upon many particulars of a contradictory nature, which it would be necessary to investigate before they arrived at any legislative measures to be brought forward by her Majesty's Government, yet he could not reconcile it to his conscience or his sense of duty to remain altogether silent. Most important interests were involved in this discussion, both as regarded the mother country and Canada, and it was essential not to allow any species of party divisions to influence that House in underrating the magnitude of the matters which had been submitted, or in failing to consider them of deep concern. It was on that score that he wished to return thanks to the noble Lord for having declared his resolution to shorten the duration of the adjournment. He was sure that opinion must meet with the concurrence of hon. Gentlemen opposite. He might be tempted to diverge into many topics if he followed the example of the hon. Member for Westminster, who, although he owed his seat, in a great measure, to the influence of the Government, legitimately exercised he admitted, addressed to the House a speech in which he dwelt on the dismemberment of the empire by the separation of Canada with a strong degree of satisfaction, if not of glee, and scarcely a single expression fell from him during his whole speech which seemed to indicate that he felt any concern at the accounts which had been received describing the state of things in the colonies. He confessed, too, that he had listened to the speech of the hon. Member for Kilkenny with astonishment. He had supposed that hon. Member to be a man of dry facts and figures, but the observations which he had made proved him to possess a most vivid imagination. The hon. Gentleman said, "such were the oppressions which these parties suffered, that they were driven unfortunately to brave the rigours of winter in a northern latitude." Now, what were those oppressions? for that was the pith of the whole question. If the hon. Member proved the existence of grievances, if he showed that persons and property were insecure, that the great man was able to oppress the humble, and if the taxes were heavy and unjust, instead of being, he believed, none at all. If, in any one of these particulars, it appeared that oppression existed in Canada, then he should say, "Let no consideration of shame and pride—let no reliance on the superior power and resources of this empire hinder you from retracing your steps, rescinding your resolutions, and rendering full indemnification to this people." He owned he was not terrified at the prospect of separation. He did not think that the prosperity of England was dependent on its connexion with Canada. He was aware that there was an interchange of good offices and commercial advantages, but if any one were to look to the balance of the account, he would find, undoubtedly, that in point of commercial advantage, England gave more than she received. But that was not the question. The question was, whether in a country where no practical oppression was proved to exist — where person and property had been secure, and would be so, at this moment, but for the machinations of popular agitators—where the law was duly administered, and where the taxes were mild or none at all—they were, for the sake, and on the ground, of speculative and organic changes, which promised no advantage to the colonies, and which must prove utterly destructive of the analogy and harmony which had existed between the mother country and the Canadians, to be terrified from maintaining that which they believed to be just on the first manifestation of the spirit of insurrection. He trusted that, whether on the first outbreak or on the last, they would never show that they were terrified so long as their cause was just; but on the other hand, that justice, and not strength, should guide their proceedings, and that they would not suffer themselves to be swayed by threats or menaces, whether delivered in that House or expressed at the other side of the Atlantic. There were those, too, in the colonies whose interests they were bound to protect. Let it not be supposed that he meant to contend that this island should have distant portions of the globe for ever dependent upon it; but the time when a separation on the part of Canada might be beneficial had not certainly arrived at the present period, when her population was divided into two parties of different origin, and inflamed by their passions into continual collisions with each other. In this state of things, this country was enabled by her power to act as a mediator and umpire, and thus prevented contests which might be found still more fatal. The hon. Member for Kilkenny had referred to the cases of Ireland and the United States. He declined discussing the administration of Lord Mulgrave in Ireland. He refrained from going into particulars relative to the insurrection in the United States; but he must say, that the whole resistance of the American people was based on irrefutable facts, and on statements of positive and palpable grievances; and the abstract rights of man, such as they conceived them to be, were appealed to in support of the facts which had been previously stated. Let it, then, be shown that practical grievances existed in the case of the Canadians. The hon. Member for Westminster had ingeniously quoted the opinion of Dr. Franklin in favour of the opinion that this was a case in which the redress of grievances would not be attempted. If this had been true, he should confess that disturbances would follow naturally in the train of legislative consequences; but he found the case to be quite the contrary, for the attention of the home government had been actively engaged in considering, and the greatest care had been taken, and the most sedulous respect paid to, both the wants and wishes of the Canadian people; and he was not aware that, during the whole course of the discussions which occupied so many nights of the last Session, one single instance of a grievance unredressed was laid before the House which was not instantly refuted. If that were so, what became of the horrors—what became of the menaces, the anticipations, and the prophecies of evil, which the prophets themselves contributed more than any other party to verify? He rejoiced to find the hon. Member for Westminster confessing that, after a long series of speeches which might be supposed to convey the opinions of the British House of Commons, there were scarcely ten Members present who coincided in his views. He trusted that that House would be ever ready to listen to complaints of grievances, come from what quarter they might. The hon. Member had referred to the American war, and quoted the language of Lord Chatham. The hon. Gentleman had come forward with no case of oppression—with nothing but a demand for organic changes; and he modestly asked, as a remedy for the dilemma in which we were placed, that Canada should be separated from the mother country. Had the hon. Gentleman forgotten that seventy years ago, Lord Chatham had pronounced his memorable words on his last great appearance, and declared that notwithstanding the oppression for which he ever sought to procure a remedy, and the resistance which he rejoiced to have seen take place, he was ready to spend his dying energies in expressing a hope that consent would never be given to separation? The hon. Gentleman, it appeared, did not concur in the recommendation of the authority to which he had heedlessly appealed. He would no longer occupy the time of the House. Whether these manifestations of resistance were trifling, or on the other hand serious, he thought it was a subject on which there should be no exaggeration. He trusted that there would be not only firmness in their proceedings, but that a conciliatory spirit would pervade them; and, above all, that nothing would be granted which would weaken the connexion between Canada and the mother country, and that no act of apparent justice would be done which would be contrary to the laws of the country.

Sir *William Molesworth:* The hon. Gentleman who had just sat down, had asked what grievances the people of Canada had to complain of, and inquired if they were not in their person and property secure. He thought, if the hon. Gentleman had listened to the debates of last Session, he would find that it was admitted even by the Treasury benches, that there were many just causes of complaint existing with respect to the condition of the Canadians. They complained, that the Legislative Council was adverse to the wishes of the people, and rejected measures of the utmost importance which had been passed by the House of Assembly; that improper persons had been appointed to the high and responsible office of judges. They complained, that the House of Commons had refused to alter the constitution of the Legislative Council, and had passed statutes injuriously interfering with the internal concerns of the province. They alleged, that in times past, through the negligence of the colonial authorities, the Receiver-General had been permitted to fail to a large amount; and that the monies of the province had been repeatedly taken without the consent of the House of Assembly. But the last, greatest, and most severe grievance of all had been inflicted by the resolutions of that House, passed that year, to empower the governor to seize the money of the Canadian people. He, for one, should ever rejoice that he was so fortunate as to oppose those fatal and wicked resolutions, which the noble Lord, unhappily for his future fame as a statesman, still more unhappily for his renown as a consistent supporter of liberal opinions, had submitted last Session to the consideration of the House of Commons, for which measures it was likewise the noble Lord's misfortune to obtain the assent of this portion of the Legislature, and the eager and cordial approbation of the House of Peers. Those resolutions marked both a determination on the part of the Government to disregard the grievances and the wishes of the Canadian people, and an intention to violate the first and the most important principles of a free constitution, in the defence of which not only was rebellion justifiable, but resistance became the sacred and imperious duty of freemen—a duty which all who belonged to our race, whether on this or the other side of the Atlantic—all in whose veins English blood had circulated, had never failed to fulfil. Nor, though of different origin, had the Canadians as yet appeared less determined to maintain their rights than other portions of the British empire. For, as soon as the nature of these resolutions was known in their province the indignation of the people was aroused, and they hastened to take the steps which would in future frustrate the effects of similar measures. The chief object of the resolutions was, as he had already observed, to enable the government of Lower Canada to appropriate the monies of the people without the consent of the Canadian Legislature. In order to prevent similar acts of tyranny, the Canadians had resolved, that in future there should be no monies for the Government to appropriate. With this object in view, they determined not to consume the articles upon which the customs of the province were levied. The greatest portions of the revenues of the province consisted of duties on rum and brandy, of the former of which articles a million gallons were annually consumed, paying a duty of 1*s.* a gallon; of the latter 250,000 gallons, paying a duty of 1*s.* 6*d.* per gallon. Instead of these taxed liquors, the Canadians had determined to drink whiskey and beer; instead of tea, they had substituted a beverage made from roasted barley, beans, or bread crust; instead of the sugar of the sugar-cane, they would use the sugar of the maple; but, in addition to this course, which they had adopted for the purpose of diminishing the revenues of the province, they had resolved to be entirely independent of this country, and not to consume the productions of a people whose representatives had treated them with such cruel injustice. Instead, therefore, of the cloths and the woollens, instead of the cottons and the linens of our manufacture, they would be clad in their own homespun, in the coarse products of their own looms. Now, this was a most serious consideration, for of these fabrics this country annually exported to British North America a quantity, amounting in value to nearly one million pounds' worth—in another year, this sum would be considerably diminished. The consequence would be, that our manufacturers, who were suffering severely already from the want of a market for these articles, as he could unfortunately testify but too well, as Representative of one of the largest manufacturing communities in this empire—our manufactures, he said, and what was still worse, the labourers dependent upon them, would suffer still more severely than they now did, by a still further contraction of the market, and by the diminution of employment consequent thereon. Great additional misery, therefore, would be occasioned to this portion of the community by a quarrel with Canada. Nor let it be supposed, that when these turmoils were over this country would, as a matter of course, again supply the markets of British North America; for, if the present disputes should end, as was most probable, in a civil war, and if that civil war should terminate, as was still more probable, in the separation of the two countries, a considerable period must elapse ere commercial intercourse would be recommenced: meanwhile, the wants of the Canadians would give rise to rival fabrics in British North America, supplying the same articles as we were wont to supply; the manufacturers would form an interest hostile to our trade; they would expect, they would demand, protection for their produce, and in a certain degree they would appear justified in so doing, and in claiming a recompense for services rendered during a period of war. Thus this country would not only be deprived of its present trade to the Canadian provinces, but be cut off from that future extension of it which must take place to an enormous degree if this country were to continue to supply the markets of that great and flourishing province; a portion of the world which was now most rapidly increasing in a population fitted by taste and habits to consume our manufactures, and whose inhabitants this country could supply with the unrivalled produce of its manufacturing skill at the cheapest possible rate. He must beg pardon of the House for having dwelt somewhat at length on the possible consequences of a struggle with Canada, but he felt it a duty which he owed to the constituents who had so kindly placed him in his present distinguished position; and he trusted that the Representatives of the other great manufacturing emporiums of Birmingham, Sheffield, and Manchester, would equally feel it their duty to protest against a course of policy which would inevitably raise up rival manufacturing interests in the north of America, and which would cause the exclusion of our manufactures for a long time at least, to a great extent probably for ever, from the markets of a nation which already annually consumed two millions of the productions of this country—he must protest against a line of conduct which would make the Canadian nation view us with detestation, and induce them on the first occasion, and most justifiably, to give the sanction of the law to that non-intercourse which they had already proclaimed against this country. But, to return to the conduct pursued by the Canadians, in consequence of the arbitrary measures of the Government, for the purpose of enforcing the system of non-intercourse. In many of the counties public meetings were held, which were attended by the magistrates, the officers of militia, and other individuals of weight and importance. At these meetings resolutions were passed prohibiting the consumption of the obnoxious articles, and denouncing as enemies to the patriotic cause those who dared to disregard these injunctions; resolutions likewise were agreed to encouraging smuggling, as the easiest means of diminishing the public revenues, and of frustrating the views of the public enemies. At the same time, a general plan of organization was adopted and put in force throughout the country. Committees of vigilance were appointed in each parish and in each county to communicate with the central committee at Montreal. The object of the committees of vigilance was to enforce the regulations of the non-intercourse system, to which even the country traders had sworn obedience. The few persons who had acted in opposition to the popular feeling were admonished by the committees to be more patriotic in future, and in some cases the offenders were punished by the destruction of their property; but in general, these committees had had but little occupation, so strong was the public opinion on the subject—so willing were the people to obey, and to follow their leaders: Lord Gosford was, it would appear, alarmed by this conduct of the popular party; on the 15th of June, he issued a proclamation, in which he denounced as seditious and unlawful all meetings of a description similar to those just mentioned; he commanded all magistrates, militia officers, and peace officers, to prevent these assemblages by every means in their power. This proclamation produced no effect; meetings continued to be held, magistrates and other functionaries continued to attend, and, on one occasion it was said, the magistrates themselves tore to pieces the proclamation, in the presence and amidst the cheers of the assembled multitude. Militia officers were said to have acted in the same manner before their companies, to whom they were ordered to read the proclamation. Lord Gosford then proceeded to take the step of dismissing every magistrate and militia officer who he was informed had attended any one of these meetings. He would not say that Lord Gosford was to be condemned for this conduct, but he would say, that the persons dismissed considered themselves to be honoured by this act of the Government, and a number of magistrates who found that a similar distinction was not conferred upon themselves, hastened to resign their commissions. In the county of Two Mountains sixty commissions were said to have been returned at once. The functionaries who were dismissed or resigned on all occasions received the public thanks of the committees of their counties. In consequence of these dismissals and resignations, some of the counties were without acting magistrates: the people hastened to supply the want by appointing magistrates of their own. The following was the account he had received of the mode in which this was effected in the extensive county of Two Mountains. On the 15th of October there was a general meeting of the freeholders of that county, at which "sundry wise and discreet persons were chosen by each parish to fill the office of justice of the peace and pacificator." The duty of these justices was "to conciliate the differences and difficulties which may hereafter arise between the Reformers of their localities, with power to judge and determine all complaints which shall be brought before them." From the decision of the justice-pacificator an appeal was instituted to the permanent committee of the county. To enforce these regulations, "Reformers were declared bound in honour to bring their cases before the justice-pacificator, in preference to the Queen's courts." Reformers who refused to acknowledge the authority of the said justices, or who carried their complaints before the Queen's courts "in preference to those of honour and conciliation now established, &c.," were to be "deprived of their votes at any public meetings," and "not to be elected by Reformers to any office;" were to be "censured publicly, which censure was to be exposed on the church doors." With regard to the militia, it was resolved, "That the Reformers who began to drill should form themselves in each parish into volunteer companies of militia, under the command of officers elected by the militia-men, and shall be drilled in the management of fire-arms, and in light infantry evolutions and movements." It was resolved, likewise, that officers who had been dismissed be re-elected by the militia-men. In the midst of these events, on the 17th of August, the House of Assembly was called together. The governor, in his speech, officially communicated the resolutions which had been agreed to by the Imperial Parliament, informed the House of Assembly that the demise of the Crown would make no alteration in the councils of the Ministry, and concluded by asking for a vote of money to pay the salaries of the officials. The Assembly, in reply, maintained all its former positions, and refused to grant any money till the grievances complained of were redressed. The House of Assembly likewise, in its address to the governor, very properly commented in the strongest and most indignant terms on the resolutions in question. The House of Assembly said, "It is our duty to tell the mother country, that if she carries the spirit of these resolutions into effect in the Government of British America, and of this province particularly, her supremacy therein will no longer depend on the feelings of affection, of duty, and of material interest, which would best secure it, but on physical and material force." These plain words ought to make the deepest impression on our minds, and ought to convince us what would, be the conduct of the Canadian people if we did not hasten to do them justice. The tone of the debate in the House of Assembly on the Address was similar to that held at the public meetings throughout the country. The proclamation of the governor against these meetings was denounced, the conduct of the magistrates and others in attending them was highly approved of, and the people were exhorted to adhere to the system of non-intercourse, and to carry it out to its fullest extent. These determined proceedings on the part of the House of Assembly induced the governor to prorogue it on the 26th of August, after a session of only ten days. Since that period the system of organization to which he had already referred had been more and more extended throughout the province. Riots had taken place, blood had been shed, the troops had been called out, and there was every appearance of an approaching struggle. Such was the state of Lower Canada; but Upper Canada was by no means tranquil—a political union was extensively ramified throughout the townships and counties of Upper Canada, similar in many respects to the committees of vigilance in Lower Canada. The members of the union had set an example, which had been followed by their friends of the lower province: they had petitioned the Congress of the United States for a free trade between Canada and the neighbouring states, and in the meantime they have systematically encouraged smuggling by every means in their power. What had been the conduct of the Government in this crisis with regard to Upper Canada? The office of governor to that province was vacant. Whom ought a wise and reflecting Ministry to have chosen to fill this most important post? Undoubtedly some person eminent for his talents, still more eminent for his high virtues, who would have commanded the respect of all parties. To whom had the responsible advisers of the Crown confided the task of conciliating the inhabitants of Upper Canada, and inspiring them with regard for British authority? To the most obnoxious and unpopular person they could find in this country, with the exception of the gaoler of St. Helena, a gentleman whose conduct had excited the loudest and most vehement complaints, and produced almost rebellion in every colony over which he had ruled. Whether these complaints were just or not he would not pretend to say, but, whilst they existed, the policy of the Government in selecting such a person for so delicate an employment seemed most dubious. But he condemned this appointment on other grounds: he condemned it from having carefully studied the conduct of Colonel Arthur whilst that gentleman was governor of Van Diemen's Land, from having examined Colonel Arthur himself, and from his dispatches to the Colonial-office, which were laid before the Transportation Committee of last year, of which he (Sir W. Molesworth) had the honour to have been chairman. From that evidence it appeared that during the last twelve years Colonel Arthur had possessed despotic powers for the sole purpose of framing a system of atrocious and unheard-of cruelty, such as stood unparalleled in the annals of nations; his sole object was to inflict pain—intense pain — to render the condition of the convict most wretched and degraded—to make Van Diemen's Land what it now is, a hell upon earth—a fitting abode for the criminals, whom he by his tortures had converted into still worser fiends. He would most readily admit, that in so acting Colonel Arthur only obeyed the commands of the Colonial-office, that he in nowise outstripped or even acted up to the strict letter of those commands, and that he merely followed out the necessary consequences of transportation, and enforced a system of punishments, the existence of which was the deepest disgrace to this country. But he contended that the feelings, the habits, and the dispositions of a gentleman who twelve years had wielded the most uncontrolled authority, and for that period had administered, and could administer, such a frightful system of evil, must make him unfit to be the constitutional governor of a free province, inhabited, not, as the Australian colonies were, by the ruffians, felons, prostitutes, and outcasts of England, but by a high-minded and a moral race, who would feel most indignant at this insult. Nor were the other colonies of North America in that state of political repose and placid tranquillity which would be most agreeable to the feelings of the noble Lord who calmly slumbered at the head of the Colonial Department. Newfoundland had refused to grant supplies. Was a coercion bill ready for that province? Were the resolutions to seize its revenues prepared? Nova Scotia and Prince Edward's Island had both declared in favour of an elective Legislative Council; and in New Brunswick the most perfect harmony did not exist between the Assembly and the Executive. No reliance, therefore, could be placed on these provinces in a struggle between this country and Lower Canada. But to return to Lower Canada. The events to which he had referred, proved that the Canadians were determined not to submit to the mandates of her Majesty's Ministers—to prevent injustice by force—and, if needs be, to defend their rights by an appeal to the sword. Now, what course did her Majesty's Ministers intend to pursue? It seemed to him that they could prudently and wisely adopt but two courses. They ought either to attempt to conciliate the Canadians by acquiescing in all the demands of the House of Assembly, which were not inconsistent with the connexion of the two countries; they ought to grant an elective Legislative Council, and by these and similar measures they might prolong for some time the dominion of this country over Canada; the other and perhaps the wiser course would be now to propose a separation of the two countries, as the mass of the Canadian people no longer desired the dominion of this country; and when the greatest portion of the population of a colony felt dissatisfied with the authority of the mother country, then it appeared to him that the period was arrived when a friendly separation would be beneficial to the interests of both countries. These were the only alternatives which could be beneficially adopted—the remaining alternative, the one which he feared Ministers intended to pursue was to adhere to their past policy, and to assert the supremacy of this country over Canada without redressing the grievances of the Canadian people. The inevitable result of such a course would be a civil war, unless the people of this country were, as he trusted they were, wise enough to forbid it, and to hurl from power the administration who would dare to propose an appeal to arms. He feared that it was the intention of Ministers to pursue the course which would lead to a civil war, because he found they were sending troops to Canada. Could the Ministers, he would ask, depend upon the soldiers in Canada? Desertion, he understood, was going on to a great extent, especially in Upper Canada; hardly a week passed that the muster-roll of each regiment was not diminished in this manner; thirty soldiers in one week deserted from Toronto alone; parties were obliged to be stationed at the points of easy egress to the American frontier, in order to prevent desertion, and these parties (generally serjeants' parties) sometimes deserted themselves. The 24th regiment, he had been informed, had nearly been renewed since it had been in Canada. Nor was desertion to be wondered at when the rate of wages and the demand for labour across the lines were known. A labourer could obtain from fifteen to twenty dollars a month; and as rich land costs only a dollar and a half an acre, the labourer can, by a few months' savings, make himself independent. With regard to the demand for labour, advertisements of the following kinds were not unfrequently to be seen in Canadian papers:—"Five thousand labourers wanted at Indianopolis, Indiana, at from fifteen to twenty dollars a month, and board." It seemed to him that a British soldier would be patriotic to a romantic degree, who would not, even in time of peace, prefer twenty dollars a month and board in Indiana, to sixpence a day and the privilege of being flogged in the British army; but in time of war, in an unjust and unholy war, as this would be, the patriotism of a soldier who would remain in the British service one moment longer than he could help, would be miraculous, tempted as that soldier undoubtedly would be by an offer of a portion of the territories of the anti-popular party, for instance; by a share in the fertile possessions of the Land Company, or in the rich fiefs of Beauharnais. In all events, therefore, a war with Canada would be attended with the greatest difficulties. "I shudder, Sir," said the hon. Baronet "at the idea of the consequences of a civil war with Canada; it would undoubtedly involve this country in a contest with the United States of America: first, it would bring our Government in collision with the Governments of the States bordering on Canada, for volunteers by thousands would swarm into Lower Canada from Maine, Vermont, New York, and Kentucky, animated they would be by the love of adventure—animated still more by the desire of driving the last relics of monarchy from North America, tempted likewise by the promises of rich lands, by the possessions of the anti-popular party; in this respect, I say, let Texas be a warning of what we may expect from America in the event of a struggle for Canada. Though this interference in the affairs of Canada would at first be confined to individual Americans, it would not terminate there; the conduct of American subjects would not be passed over unnoticed by our Government; complaints and remonstrances would be made to the Union, and the Union would be called upon to prevent its subjects from bearing arms against our troops: this, even if it were willing to do, it could not effect, for how powerful soever the central government of the United States may be when it goes along with the wishes of the people, it is most feeble when the people are opposed or indifferent to its commands, or when one or more of the sovereign states are desirous of evading its decrees: it is exactly in a case like this that the central government of that republic is weakest; for how anxious soever it may be, from general views of policy, to prevent all interference in the affairs of Canada—all hostilities with this country—yet its people will see in this struggle, but a repetition of their own glorious struggle for independence; they will behold in the conduct of England towards Canada the sequel of those despotic and unjust principles which a little more than half a century ago caused them to shake off our yoke—they will rejoice in the triumph of the Canadians, as the great and final victory of democracy in the New World—they will sympathise with their northern brethren as sufferers in the same great cause of liberty; and animated by these noble, these go d, and generous feelings, they will take a part in that conflict, which, whatever may be the temporary vicissitudes of war, will never terminate till our dominion in America be for ever destroyed. That that dominion should now be brought to a conclusion I, for one, most sincerely desire, but I desire it should terminate in peace and friendship, leaving behind it the memory of past kindnesses and mutual benefits, paving the way to new and more intimate connexions, arising from commercial intercourse and the opening of new channels of beneficial trade, leaving, therefore, to this country all the advantages of a vast and increasing market for our manufactures, without the burden, vexation, and expense of governing a remote region. Great would be the advantages of an amicable separation of the two countries, and great would be the honour this country would reap in consenting to such a separation; and great would be the renown which a Ministry would derive from proposing such a measure. I can hardly endure to look at the consequences of a forcible separation. The expenditure of blood and of treasure, great as they would be, are not the greatest among the evils which such a war will engender; we must calculate the baneful prejudices, the odious antipathies, which it will produce amongst nations, whose mutual interest it is to cultivate kindly feelings towards one anoth er We must remember more than half a century has hardly sufficed to obliterate the bad feelings between this country and America, which resulted from the American struggle for independence; and now, when the two nations have begun, as they ought, mutually to admire and respect one another, it must be a matter of the deepest regret to all thinking minds that a new conflict should disturb the relations of amity which are equally beneficial to both. Moreover, such a war invariably appeals to the vilest passions of a nation—to its worst national vanities, and tends, for a time, to put a stop to all improvements; and many who fear the march of improvement will, I doubt not, gladly seize upon such an opportunity as the present with the hope of occupying by war the national mind, and turning it away from the consideration of reform, and thus delaying, for a time, the progress of all reform. I sincerely trust, that the people of this country are enlightened enough to forbid such a war, to disregard the prejudices in favour of extended dominion, and count as little the loss of a useless portion of their territories, when those territories can only be maintained by the infliction of such enormous evils. Should, however, a war take place, I must declare that I should more deplore success on the part of this country than defeat; and though as an English citizen I could not but lament the disasters of my countrymen, still it would be to me a matter of less poignant regret than a success which would offer to the world the disastrous and disgraceful spectacle of a free and mighty nation succeeding by force of arms in putting down and tyrannising over a free though feebler community struggling in defence of its just rights. May such a calamity be averted. May such a reproach never fall upon this country; but if unhappily a war does ensue, may speedy victory crown the efforts of the Canadians, and may the curses and execrations of the indignant people of this empire alight upon the heads of those Ministers, who, by their misgovernment, ignorance, and imprudence, involve us in the calamities of civil discord, and expend our national resources in an unholy struggle against liberty.

Mr. *C. Lushington* appealed to the Chair whether such language as the hon. Baronet had used was proper for the House to hear?

Mr. *Hume:* The hon. Baronet has liberty of speech, and when he thinks proper to express his sentiments upon this or any other question in fitting language, I maintain no man should dare to interrupt him.

Sir *William Molesworth* having intimated that he had concluded,

Sir *G. Grey*, understanding that the hon. Baronet had concluded his speech, would take the liberty of addressing a few observations to the House. It was not his intention to enter upon a consideration of all the various topics which had been introduced into the discussion, and which he thought might well have been postponed till information respecting events in Canada should be before the House in an authentic shape. He was confident that that information would tend to correct some of the statements, or, as he might properly characterise them, gross misrepresentations of facts and of the real state of affairs existing in Canada which had been made to the House. The hon. Members for Kilkenny, Westminster, and Leeds, would all lead the House to suppose that there was a conflict between the British Government on the one hand, and the undivided people of an independent colony on the other. In the face of that House, and in the face of the country, he denied the truth of that statement. The hon. Members who had spoken seemed very carefully to have examined the Canadian papers, for the resolutions passed at public meetings by those of the inhabitants of those provinces who were in opposition to the British Government; but had they been equally careful of noticing the numerous meetings which had been held in different parts of the provinces, at which some of the most influential of the Canadians had recorded, in the strongest and most perspicuous manner, their sense of the value of the British Constitution, their decided attachment to the British constitution, and their firm determination to uphold by all means in their power the connexion existing between the two countries? Were not these hon. Members aware that a powerful and numerous minority denounced the measures which were taken by some leading persons of influence in the Colonial Assembly, as destructive to their interests, for the protection of which they relied on their connexion with this country? The fact was, that the large class of which he spoke, having invested their capital in the colony, in dependence on the security which the connexion with the mother country afforded, dreaded the success of any measures which would lead to a separation of the countries, which, however desirable it might be to some hon. Members in that House, would be attended with ruinous results not only to the British but also to the French population of Canada. He begged to remind the House, that that population enjoyed many advantages under the dominion of the British Crown. They were most lightly taxed; they possessed the privileges of British subjects, and those privileges were more respected by the British Government than they would be were the colonists once amalgamated with the population of the United States. He might also inform the House, that there was a great portion of the colony within which the unhappy state of things which had been referred to did not exist. It was a great public calamity that a portion of the provinces was in a discontented condition; and if not actually in insurrection, at least bordering on that state. Collisions had taken place between the inhabitants and the British troops. But such disorders did not extend over the greater portion of the surface of the colony, for there was a large district in which the authority of the Government was respected. The hon. Member for Westminster had referred to the unhappy occurrence which occurred during the last month at Montreal, and had charged the Government with taking part with a lawless mob, and with opposing the French Canadians, and driving them out of the town.

Mr. *Leader* said, that he did not accuse the Government of such a proceeding. He had only stated, that such was the opinion of the Canadian population.

Sir *G. Grey* was surprised to learn, that the people of the colony were not aware that in that affair the French Canadians were the aggressors, and that they were driven out of the town by the indignant inhabitants. The British soldiery were called out, it was true; but for what purpose? To protect Mr. Papineau's property from those whose feelings had been excited by an unprovoked outrage. It was to the interference of the Government that Mr. Papineau owed the preservation of his property. Allusion had been made to the hostility which existed between the two races composing the Canadian population. That was a fact deeply to be deplored; but the Government had honestly and zealously applied themselves to remove that feeling of jealousy. It had been its earnest object to reconcile the moderate men of both parties, who desired the redress of real grievances, and were opposed to every measure having a tendency to sever the colony from the mother country. Hitherto the attempt to moderate the extreme opinions of either party had to a certain extent failed, but he trusted that the example set on a former occasion by that House, when party feeling was merged in a general desire to promote the advantage of the empire at large, would have the effect of rallying round the Government of Canada in the present crisis all men who were anxious to prevent the spilling of blood, and to see peace restored. With respect to what had fallen from the hon. Baronet, the Member for Leeds, he must say, that that hon. Baronet had taken a most mistaken view of the feelings of the inhabitants of Nova Scotia and New Brunswick. In Upper Canada every soldier had been dispensed with by the Lieutenant-Governor of that province, who, feeling that he could rely on the unshaken loyalty of the inhabitants, had sent the military to assist in suppressing any outrage that might be committed in the lower province. The latest intelligence from New Brunswick was, that an unanimous vote had been passed by the House of Assembly, expressing their gratitude in warm terms for the policy pursued by the British Government towards them; and that policy differed in no respect from that which had been acted upon with regard to Lower Canada up to the last summer. To the general charges brought against the Government by the hon. Member for Kilkenny it was not his intention to trouble the House by replying. That hon. Member had, with surprising impartiality, denounced every colonial governor as a tyrant. To a general charge of that kind he could only give a general denial; but the imputations which had been thrown out against Colonel Arthur he felt bound to notice. The hon. Baronet, the Member for Leeds had said, that Colonel Arthur was totally unfit to conduct the government of a liberal and free-minded people; and had also referred to the evidence given before the Transportation Committee. Until the present moment he was not aware, that any opinion unfavourable to Colonel Arthur was entertained by any Member of that Committee; and certainly his opinion of

Colonel Arthur's conduct differed very materially from that entertained by the hon. Baronet. It was his opinion, that the colony of Van Diemen's Land flourished under Colonel Arthur's rule to an unprecedented extent, and under circumstances naturally disadvantageous. The hon. Baronet had said, that Colonel Arthur had only executed his instructions. It was, then, the instructions, and not Colonel Arthur, that ought to be blamed. Colonel Arthur had served under various colonial secretaries, and had received marks of approbation from many holding different political opinions. On his return to England from that colony, Colonel Arthur did not shrink from meeting the charges brought against him. Not one could be substantiated; indeed, only one was persisted in, and it would be in the recollection of the House, that that was satisfactorily refuted. An hon. Member asked whether he had not heard of a certain Honduras memorial. In answer to that question, he might state, that the hon. Member for Southwark had a few nights ago given notice of a motion for the production of a letter sent from Honduras to Lord Bathurst in 1822. He had looked for the document but had been unable to find one of that description; but he discovered a memorial presented in the preceding year from Honduras, deprecating the return of Colonel Arthur in the strongest terms. There also existed another document relating to Colonel Arthur's conduct in liberating certain persons whom he believed to be unjustly held in slavery. This brought on him the odium of the slave-masters; but it was found afterwards that his conduct was perfectly proper. When, therefore, the hon. Member for Southwark made his motion, he would take care also to call for a copy of those two documents. He was confident that the choice made by the Ministry of this officer for the Government of Canada would be fully justified by the wise liberality and firmness with which he would discharge his duties. The hon. Member for Leeds had stated, that many British troops had fallen. He saw no reason for believing that statement; and indeed he did not think that even one had fallen. In conclusion he expressed his confidence, that the Government, backed by the authority of Parliament, would be enabled to stem the tide of insurrection in Canada, and to restore to that colony the advantages of peace and tranquillity, which it might long enjoy under the dominion of the British Crown.

Mr. *Warburton* said, that if the present position of affairs in Canada was attributable to the conduct or misconduct of any particular party in Canada, he should have thought it desirable to have waited for the papers proposed to be laid on the table by the noble Lord; but considering the existing posture of affairs in that province to be the natural consequence of an infant colony opening into manhood, he did not see how the information which the papers contained could assist their discussion. The conduct which had been adopted by the British Government towards Canada he would not call criminal, but he would give it a name which generally implied what was worse than a political crime; he should call it a political blunder. An hon. Member had attempted to show that the conduct of the British Government in Canada had not been oppressive. That might be considered oppressive by a people on the other side of the Atlantic which would not be considered oppressive in this country. The conduct of Marshal Suchet in the Government of several provinces in Spain had been greatly admired out of that country. He had introduced into those provinces the greatest improvements; and his administration of power was infinitely superior to that of the preceding authorities. Yet the resistance of the people of those provinces to his measures was justifiable, for the changes were not in accordance with their wishes. We must not judge of the feelings and principles of the inhabitants of other countries by our own feelings and principles. How well was it said by Mr. Fox with reference to the Canadians, in the debate on the Quebec Bill, "Make them feel that their institutions may be advantageously compared with the republican institutions of neighbouring states." Who would tell him (Mr. Warburton), when during the last twelve years the table of the House had been covered with petitions from the Canadians complaining of their grievances, when Committee on Committee had been appointed to take those grievances into consideration, and when the justice which this country always professed its disposition to administer had been so tardy in its administration as not to be worth having—who would tell him that the Canadians had no cause for dissatisfaction? Look at all those things, and then could it be said that they had no reason to complain of oppression, and of the acts of the legislature and Government of this country? There had been two courses open to her Majesty's Government on the subject. On the one hand there was the course which had been so often recommended, not merely by a few persons on his side of the House, but by enlightened Members on the other side of the House. This was the course so strongly recommended by Lord Ashburton when he had a seat in that House, "Let the Canadians," said that noble Lord, "be governed in such a manner as may prepare them at the earliest possible period for a state of independence." Had that been done? Instead of characterising the demands of the Canadians by the term "organic changes," it ought to have been considered whether those demands related to objects which the Canadians themselves thought desirable. If, on the whole, concession to those demands would have introduced a greater portion of democratic arrangement, what had that to do with the question whether those arrangements would be consistent with the principles of our government at home? Why not give the Canadian people that which it was evident their hearts were so ardently set upon? Had they not repeatedly demanded an elective Council? Why not give it them? "Oh, but," exclaimed the opponents of their claims, "that would be to organize a change." The answer was, that it was the change which the Canadians wished for. That was one course which might be pursued. They might grant the Canadians all the changes they required. If they did that, the separation of the Canadas from the mother country might be for a considerable time deferred. If they would not consent to do that, they might come to the alternative to which, sooner or later, they must arrive—separation. Let the House consider the advantages which would belong to this or to that course. In the first place let them consider the enormous expense which had attended the maintenance of the administration of power in the Canadian colonies. Those expenses were not on the ordinary scale of the general system. There must be taken into the account the enormous sums which it had been necessary to expend for the purpose of advancing the prosperity of the colony. Twelve years ago, when he first entered that House, one of the first subjects which he had heard discussed was the Rideau canal, the expense of which was estimated at above a million and a half of money. That was only a single instance of the vast expense to which the colonies had subjected the mother country. No colony, while the mother country was employed in raising it up, was ever productive to that country. The object was to plant on a deserted soil, or on a soil inhabited only by savage hordes, a population which, when it became powerful and enlightened, might become consumers of the produce of the nation from which they sprung. That was the promised advantage to which all states looked when they planted colonies. Up to the present period the Canadas had been productive of nothing to the mother country but expense. To get rid of them, therefore, would be to get rid of a certain loss of money. The very trading monopoly occasioned by our possession of the Canadas had (as he had frequently represented to the House) cost the country 1,200,000*l.* in the amount of duties. If they got rid of the Canadas, that extension of trade would follow which was the necessary consequence of the independence and prosperity of a colony. All the advantages would accrue to both countries which under the principles of free trade, must flow from an interchange of commerce. Such was the invariable result of the prosperity that followed the establishment of independence. The next advantage would be the encouragement to emigration which would be occasioned by separation. If the House inquired into the extent of emigration from this country to the United States while those states were colonies of Great Britain, with the extent of emigration after those colonies became independent, they would see that the increased demand for labour which followed independence was the source of very extensive emigration. Let no one say, that at present there was a great opening in the Canadas for our superabundant population, which if they became independent would be dried up; for as the Canadas increased in prosperity the emigration to them from this country would increase in proportion. But there were other advantages, too obvious to render it necessary to dwell upon them. There was the saving of the expense and misery of a cruel and disgraceful civil war. The next advantage was the escape from the danger in which we were placed while we maintained these colonies of being engaged in war with other countries. Disagreements had already taken place between the diplomatic agents of this country and of the United States, with reference to the boundaries. Those boundaries were yet unsettled; and on the settlement of them it was not impossible that discussions might arise which would involve the two nations in hostilities. Now, if we were to make up our minds to an amicable separation, we should avoid all the consequences of war; we should avoid all the bad feelings engendered by every war, and which were produced in an aggravated shape by civil war. He trusted, therefore, that they would put aside those sentiments of national pride by which so many persons were influenced, and which frequently led governments to adopt measures which they knew in their hearts would be injurious to the countries the affairs of which they were administering. So far was he from regarding a separation with feelings of shame or disgrace (he believed the alternative would be productive of more shame and disgrace), that he devoutly wished the period of such separation had arrived; convinced as he was that the change which would then take place in the relations between the colonies and the mother country would be advantageous to all parties. If, on the other hand, they determined to retain the Canadas by war, they must be prepared to incur all the disadvantages of such a course of proceeding. What he most feared as the consequence of the breaking out of civil war in the Canadas was, that it might involve us in hostility with the United States, and that would necessarily lead to the breaking out of war in Europe. The course of events which would lead to this result, and which had been already pointed out by an hon. Baronet, was obvious. Thousands of American citizens would cross the boundaries for the purpose of assisting the Canadians. That would occasion complaints by Great Britain that the United States were taking part against us in the quarrel between ourselves and our colonies. Now, they all knew that the government of the United States, if they were inclined to do so, could not prevent American citizens from taking part in that quarrel. But the circumstance would produce a state of exasperation between the two countries, and the transition to war would be easy. This country, then, would be engaged in hostilities with the United States: and being so engaged, a quarrel between this country and some of the European States would inevitably follow. If he were asked what powers were most likely, if they did not actually engage in war with us, to take a course which would be highly detrimental to our interests, he would say all the northern powers of Europe. Russia, Prussia, Sweden, Norway, if they did not do so openly, would secretly endeavour to promote the cause of the Canadians, in order to destroy the forced trade which we had established with the Canadas; and to recover their full and free trade with this country. This was an object which would render all those powers either the open or the secret allies of the Canadians. As to the question of the advantages or disadvantages which would result to the people of Canada from a separation from this country, that, of course, was a matter of opinion. But if a people took up arms, and subjected themselves to all the penalties attendant upon revolt and insurrection for the attainment of what they considered a beneficial object, it could not but be acknowledged that of the value of that object they must be the best judges. It was idle, therefore, to talk of drawing up a bill of indictment against the Canadians. He was satisfied by their conduct that they wished to discontinue their connexion with this country. It had been frankly admitted that the supporters of the British Government in Canada were only a minority of the population. And yet, forsooth! for the sake of that minority we were to plunge into civil war. The loyalists in America, on the breaking out of the revolution, were a minority. The Orangemen in Ireland were a minority. To tell him that the acknowledged fact of the friends of British connection being in a minority in Canada was not a proof that it was not desirable to maintain that connection was to tell him what he could not understand. He must say, that the conduct pursued with reference to this subject by the present Government, considering to what party in the state they belonged, struck him with astonishment. In the course of his reading, as bearing upon the history of this country, he had always admired the conduct of the Whigs at the time of the quarrel between the American colonies and the mother country as one of the brightest efforts that had ever been made in the cause of freedom. What would be said, therefore, if the very same party were to pursue an opposite course in the present instance?

> "Who would not laugh if such a one there be
> Who would not weep if Atticus were he?"

If, however, the indications which had that night been given were to be followed up; if the course which had been darkly shadowed out were realized; if that were carried into effect, which he feared he but too truly anticipated, he should feel it his duty to do all in his power to oppose a government so acting. For he could foresee nothing from such a course but a repetition of all the disgrace which we had incurred in vainly endeavouring to prevent the United States from acquiring their independence. Still, he could not but believe that her Majesty's Government, having before them the history of the American war, and seeing that similar consequences were likely to result from engaging in a similar contest with Canada, would be sensible of their error. If they should really entertain this feeling, if they should at length come to the conclusion at which he (Mr. Warburton) had arrived, namely, that the separation would be advantageous to the mother country, he hoped they would make up their minds to relinquish their opposition to that separation, and not to plunge into a civil war which must lead to disastrous consequences in whatever way it might terminate. If in such a war they should triumph, they would triumph. They would "make a solitude, and call it peace." If they held the colony they could hope to retain it only by a monstrous expenditure; and, whatever the expenditure might be, it would eventually be ineffectual. If, on the contrary, as was recommended by his part of the House, they agreed to the terms of an amicable separation, they would derive from it all the advantages which he had described, and many more which he would not take up the time of the House by enumerating; and, so far from losing the advantages of the connexion between the colony and the mother country, those advantages would be increased to a tenfold degree. But, independently of the question of separation, (and a separation was not inevitable at the present moment), Government had the alternative of granting all the changes which the Canadians wanted, whether organic or not, or of plunging into a war, the termination of which no man could foresee. He was aware that the number of individuals in that House disposed to support the cause of the Canadians was not large. If Parliaments were shorter, or if they were nearer a general election, he should expect better things. Unfortunately they were at the commencement of a Parliament; and therefore could not feel any assurance that many Members would be found disposed to oppose the court. But whether the House or the Government did or did not pursue the course which he recommended, he anticipated that the period would shortly arrive when the consequences of the breaking out of the war would become manifest, and when the opposition of Government to liberal principles should be more distinctly marked, the great majority of the people would declare themselves in favour of the cause which now met with so few supporters in that House. When the people experienced all the evils of war, when they found their comforts diminished, when they found all improvement stopped, when they found all attempts at national education at an end, their eyes would be opened, and they would raise their voices against a policy productive of so much mischief.

Mr. *George F. Young* said, it was melancholy and humiliating that British senators should have indulged in such language as he had that night heard, and that men holding their high station should have dwelt with calmness and pleasure on a picture the most revolting; and that they should have pointed the way by which the enemies of England might, most easily, assail their country,—that they should have shown how a colony in a state of insurrection could most easily triumph over the laws, and in what part their country was most vulnerable. The language he had that night heard reminded him of the advice which he had heard had been given to the people of Ireland, "Trust in God, but keep your powder dry;" for although loyalty and peace had been talked of, it had been shown how the Canadians might obtain the greatest success, when they came in contact with her Majesty's troops. He did not expect that those holding the high station occupied by the hon. Member for Westminster, and the hon. Baronet, the Member for Leeds, would have adopted such a course or have made use of such language, and he was sure the country would hear with astonishment the sentiments which had been uttered that night by those hon. Members. There was more than one prominent fallacy pervaded the whole of the arguments and statements of the hon. Baronet, the Member for Leeds. That, however, was no matter for surprise, as it was the common mode of the small knot of politicians to which the hon. Baronet belonged, and of which he had apparently become the head since the late Member for Bath had lost his seat in that House, to pretend to a monopoly of all the information regarding Canada. Many, however, were at least equally well informed with themselves; and while the hon. Gentleman tried to alarm that House and the country by exaggerated statements, he would venture to put forward a very different picture, founded on solid information. The only effect of the hon. Baronet's language would be, to stimulate the efforts of those who were opposed to the Government in Canada. The hon. Baronet had said the extent of desertion from the army was enormous, but he could tell the hon. Baronet that although the inducements were very great, desertion had been much less since the province was in a state of discontent than previously. The hon. Baronet had next said that all the people of Canada were averse to British connexion and rule. Now it ought to be recollected that the population of Lower Canada was one fourth British, and three fourths French, and the British were all but universally in favour of the government of Canada by the mother country. Nor were the French Canadians so much averse to British connexion as had been represented. They were peaceable, quiet, and orderly, and in the main as much attached to the mother country as the British population. Their priests, too, who had great influence over the people, entertained the same feelings of attachment to England, and had no wish for a separation. When the hon. Baronet talked of the causes of the disturbance in Canada, he looked further for those causes than was proper. If he had been called on to account for the state of excitement in which that country unhappily was, he would not have left out of the number of causes which might be stated, the inflammatory harangues which had been addressed to the Canadians, not only in their own country, but nearer home, and within the walls of that House. During last Session, and in former Sessions, some of the speeches delivered in that House had been of the most inflammatory kind; and he was sorry to find that such a course of conduct was not yet abandoned, although the standard of insurrection, had been raised. If he were to follow the arguments which had been used in regard to the value of our connexion with Canada, he thought he would have little difficulty in showing the conclusions to have been erroneous. The advantages of separation were stated to be three,—a greater outlet to our manufactures, an increase in our shipping, and a wider opening for emigration. In regard to the first and the last he would not make any observations, but confine himself to the second, with which he was more intimately acquainted. With reference to the second head, he could state the conclusions to have been most erroneous; but he thought the question ought not to be examined on such narrow grounds, and that it ought to be investigated on principles of national justice and national honour. With regard to the shipping being increased, he would ask the hon. Baronet if he knew that all the carrying trade between Great Britain and the United States was in the hands of the Americans. There was no foundation, therefore, for the inference that the separation of Canada from the mother country would be beneficial to the shipping interest. He would say, however, that national justice and national honour were involved in this case, and he was not a little astonished at what had been said by the hon. Member for Westminster, that those who deserted would have a part of those rich lands which the Government had given to the American Land Company. That, they were told, was to be a part of the spoil—that was the rich prize which was to be the reward of desertion. Now he would ask whether it were justice to those who had invested their capital in that speculation, a speculation which had been most beneficial to Canada,—he would ask whether it were justice that they should be deprived of the guarantee for the capital they had invested, trusting to the good faith of the Government? Had those also who had emigrated no claim upon this country, and were they to give up Canada to those who would oppress those individuals who had left this country, and who were attached to British connexions? Such a course would not be justice, and it would be disgraceful to the Government and to this country. For these reasons he thought the hon. Member for Ashburton had done no more than express an honest indignation at the language used by those who had advocated such a disgraceful line of policy. When the House was in flames would they stop to inquire the cause,—would they not first seek to extinguish the burning? The hon. Member for Bridport might indulge in philosophical harangues, but he felt that the advantage of colonial possessions was too great to be disposed of, as the hon. Member and the little band of politicians with which he was surrounded seemed to wish, and he was sure that the country would not consent to part with them so easily. Allusion had been made to the war with the United States of America, and an analogy had been attempted to be drawn betwixt the present condition of Canada and that of the United States previous to the breaking out of that war. If, however, the matter were fully and fairly examined, it would be found that no such analogy existed. The hon. Gentlemen opposite begged the whole question by saying that the people of England would not support the Government in an unjust war. He hoped they would not. He hoped no war would take place, notwithstanding the sneer of the hon. Member for Westminster, who ventured to say that he supposed that hon. Gentlemen on the side of the House where he (Mr. Young) sat would support a war, because they might profit by it. He believed that there was no justifiable foundation whatever for the attempt which had been made to subvert the British power in Canada, and that the attempt found no sympathy or support among the great mass of the Canadian people. On the contrary, he believed that if that contingency should arise which the hon. Member for Bridport seemed to anticipate, they would put themselves in opposition to the insurgents, and assist in the maintenance of the authority of the British Government. Had not many hon. Members declared on the hustings, from which they had recently come into that House, as he did, that they were in favour of the policy pursued by the Government, and was there any dissatisfaction expressed by the constituents when they heard that declaration? None. Indeed, he believed that the people of this country would rather reject candidates if, like the hon. Member for Westminster, they openly avowed their desire to see the colony sacrificed to the machinators of a few outrages, who wished to introduce nothing but anarchy and ruin into Canada. He spoke thus, because he had always acted on the principle of measures and not men. If it could be proved that those who were intrusted with the powers of government in Canada abused their trust, let them be called to account, and impeached, and punished. But in the mean time, until the disorders which had now unfortunately broken out were put down by a salutary use of the authority and executive powers of the law, he should feel it his duty to give his support to the Government in the course they were pursuing. One word more—the hon. Member for Westminster alluded to one outrage said to have been committed by some belonging to that party of the Canadians who were attached to the British Government; but he did not say anything of the numerous outrages committed by the disaffected agitators, who in some instances had gone to magistrates, and by threatening their lives, had compelled them to resign their commissions.

Mr. *Grote*, in the few observations which he should make upon the present crisis, did not intend to expose himself to anything like a charge of using expressions of triumph and exultation—expressions which had been most improperly and most unjustly applied by the hon. Member who spoke last, and by several other speakers on the other side of the House, to the hon. Gentlemen who sat behind him—his own feeling upon the subject was one of deep sadness and concern. If, indeed, there were in his bosom one lurking feeling of triumph, it rested solely upon the recollection that he was one of the very small minority who offered their most strenuous opposition to the fatal resolutions of the last Session, and which had given birth to all the present disasters in Canada. He would not have the responsibility of those resolutions upon his conscience, taking them in connexion with all the consequences to which they were destined to give birth, for anything that could be offered him. There was no part of his public conduct to which he looked back with such unqualified gratification, as to that in which he, united with a few others, had carried his opposition to the utmost verge that the forms of the House would allow, to prevent, if possible, the passing of anything so unjust as those resolutions to which all the present calamities of Canada were attributable. Every prediction which the opponents of the resolutions ventured to hazard had since been verified, and more than verified, in the way of calamitous consequences. However disagreeable it might be to the hon. Gentlemen opposite to entertain the idea of separation from Canada, he was quite sure that no person could weigh the subject well without seeing that that topic must, before long be brought under the mature consideration of every reflecting man in the kingdom. When the resolutions of last year were under discussion, he said that there were two things, either of which it was desirable (though certainly not equally desirable) to accomplish, either an amicable union, or, at least, an amicable separation. From the present posture of affairs he very much feared that neither the one nor the other of these alternatives would soon be within their reach. Notwithstanding the urgency of the time and the great changes of circumstances which had since taken place, he regretted to find the same tone adopted by the Government and the hon. Gentlemen who supported the views of the Government as that by which they seemed to be inspired when the fatal resolutions were under discussion. He regretted to find the same confidence expressed by the Government and by so many hon. Gentlemen on the opposite side of the House, that it wanted only the expression of a strong opinion from a large majority in the British Parliament at once to put down all idea of resistance in the minds of the people of Canada. Last year all the disturbances, all the disquiet of the province was attributed to a few agitators, who were talked of as insignificant and unworthy of a serious regard; and even now, the same language was held, although occurrence after occurrence took place to show that such talk was nothing better than the grossest delusion. It had been asserted by many Gentlemen in the course of the debate, that there was no analogy between the present state of Canada and that of the provinces of the United States in 1774. But he had not heard one single argument to prove to him that there was any disparity whatever between the two cases. He contended not only that the treatment of England towards Canada was analogous to that of the treatment of England towards the United States, but that the grievances of which the Canadians complained were also in every respect exactly analogous to the grievances of which the United States complained. The principal grievance arose in fact, out of the right of the British Government to take the people's money. That was the chief ground of the complaint of the United States in 1774; it was also the chief ground of the complaint of Canada at the present moment. By the resolutions of last year, the Canadian people were substantially deprived of all control over their own revenues and their own treasury. He had listened with surprise to the hon. Member for Newark (Mr. Gladstone) when he said, as he had done that evening, that it was not a mere speculative grievance, or grievance of principle, but a series of protracted oppressions which had led the United States of America to shake off the yoke of Britain. That statement was entirely inaccurate. It was not necessary to read more than the speech of Mr. Burke upon the subject to be convinced that the resistance of the Americans arose entirely out of the assumed right of the British Parliament to tax them without consulting their own Legislature. In point of fact the British Parliament did not take any money—did not exercise the right it claimed in that respect; it was the mere claim of the right which caused the bloody and protracted war in which the Americans engaged, and in which they would rather have died than submit to what they conceived to be the injustice and tyranny of the mother country. He believed that no great practical grievance had been entailed upon Canada, any more than upon the United States, but the British Legislature unfortunately assumed over the former, as it had done over the latter, a right of control, which, however the noble Lord, the Member for Stroud (Lord John Russell) might regard it, he was sure would have been considered by the Lord Russell of former days, and by Algernon Sydney, as equal to a sentence of slavery. Although he admitted that in the present circumstances the question of union, or separation between the mother country and the colony, was accompanied with difficulties peculiar to the time, yet he maintained that the British Legislature must not fear or even delay to face the evils of which it had itself been the cause. After matters had come to such a pass as that in which they now stood in Canada, how could the British Legislature hope to govern the colony except by superiority of force—how could it ever hope that its occupation of the country should be other than one of continual disturbance, revolting to the feelings of those who had to keep it, and absolutely intolerable to those who had to submit to it. Surely the material advantages, in point of wealth and commerce, must be great indeed if they could be worth purchasing at the cost of eternal coercion and an unceasing struggle to put down the feelings of the great mass of the Canadian people. Whether the state of affairs in Canada was as serious as had been represented or not, it was at all events, certain that a series of disturbances had taken place; and that the tendency of things was such as to render the continuance of pacific government scarcely to be expected under any circumstances; even if the House were disposed, which he did not think it was, to adopt a conciliatory course, it was much to be feared that it would now fail of producing that happy effect which, if adopted at an earlier period, it would have undoubtedly secured. Although sufficient information had not yet been received to enable them to estimate the extent to which the flame of rebellion had spread, they had still sufficient knowledge upon the subject to convince them that all the care and attention of the Government would be required to meet the difficulty in which the country and the colony were involved. He should be pleased to find that the rebellion had not reached the height which many Gentlemen seemed to anticipate, because it might give time to the Government to retrace, and perhaps retrieve, its policy. In conclusion he implored the House to allow the present disturbances of Canada to serve as a warning for the future, and instead of indulging at all times, when the rights and interests of the colony were discussed, in a tone of triumph at the superior power of England, to allow a little space for conciliation and justice, and to deal with the Canadians as they would with men who, though freemen like themselves, were still desirous of remaining, if they could do so with honour, in connexion with England as the mother country.

Sir *Robert Inglis* observed, that from the appearance of the House, with its half-empty benches, and half-sleepy Members present, one would suppose that they were discussing some bill for the regulation of weights and measures, or something of an equally uninteresting character, rather than a rebellion in a colony which was one of the brightest jewels in the British Crown. The indifference was most striking, considering the magnitude and importance of the question. If the statements respecting Canada were correct, the Government ought not to delay the consideration of the subject a single moment; and instead of adjourning for a fortnight, they ought before the next twenty-four hours elapsed, attempt to bring it to something like a satisfactory settlement. A great colony was said to be on the eve of separation from us; therefore the Government had great and urgent duties to perform, and they ought not to suffer the House to separate unless they discharged all their responsibilities. He did not know whether it were his misfortune or his good fortune not to have heard all the speeches which had been made in the course of this debate, but he had heard the hon. Member for Westminster call on hon. Gentlemen on the Opposition side of the House to answer a sneer which he thought proper to address to them, as if they coveted an unjust war for the sake of crushing a free people. There was nothing in the conduct of the hon. Gentlemen with whom he (Sir R. Inglis) acted to justify the hon. Member in saying that they undervalued the horrors of war under any circumstances, or that they would advocate a cause which was unjust either in public or private, in war or in peace. He was perfectly certain that it would require eloquence and arguments far different from those of the hon. Member to convince the people of England that they were so. The hon. Member for Bridport, at a time when it was said that the cannons were roaring on the other side of the Atlantic, talked of an amicable settlement. Was this the time for an amicable settlement? Was it not rather a time for giving protection to those who were attached to the British Government? Not that he underrated an amicable settlement, or thought it utterly impossible; but he trusted that Canada would be reduced to that subjection which was desirable and necessary before any thing in the way of a settlement would be attempted. It was in Canada as in Ireland; in the one country a certain set of men called themselves Canadians; and in the other another party called themselves Irishmen. Those men to whom he alluded talked as if none but those of their own—he would not say, faction, but—party were entitled to the rights and feelings of Irishmen. So it was with a party in Canada. Only those who belonged to a faction were regarded as having any rights at all. At least there was one-fourth of British blood in Canada, and of the other three-fourths a very large portion of the people were in favour of the British Government. The hon. Member for Bridport had made a kind of philosophical speech, which was calm enough in its tone, but into which he introduced doctrines the very reverse of calm, and which were very inconsistent with other passages of his own speech. For instance, in one part he talked of the justice of the cause of the colonists, as sustaining their claims; and in another, of the popular will being the only ground upon which the popular claims rested; and he contended, that because a majority held certain opinions and claimed certain rights, they ought to be conceded. The question was not with the hon. Gentleman, whether they were well founded, but simply whether the majority adhered to them. He denied abstract political rights in any man, or any body of men. He contended that the Canadian people had certain rights emanating from a specific constitution, awarded to them by the competent power: to those rights in their fullest extent they might justly lay claim; but any attempt to demand anything beyond those rights was to be considered as rebellion; and ought not to gain that sympathy from hon. Members opposite, which he need hardly say how far had provoked the present state of things. But of this he was certain, that the best chance of bringing back the colonists to subordination was a manifestation in that House to support, he would not say the rights and honour of the Crown merely, but the loyalty of the better part of the population, and their peace and independence, which were threatened as much by the success of the present rebellious party as they would be if conquered by a foreign power. Did anybody suppose that if that party succeeded in revolutionising Canada, it could remain independent? Would not America aid in effecting its separation for the purpose of gaining it? Or would they not be compelled to turn to America? He hoped her Majesty's Ministers would not delay the consideration of this serious question, but that as early as possible they would call the whole of the Members of that House together to investigate so important a subject, and that the noble Lord would reconsider the announcement which he had made, and shorten still more the proposed adjournment.

Captain *Pechell* lamented the tone and manner in which that discussion had been carried on, and he must especially express his dissent from the observations of the hon. Baronet the Member for Leeds, relative to the probability that Nova Scotia and New Brunswick would be found making common cause with Canada, and to the desertion which was likely to take place from the ranks of the British army, in case of open hostilities. Nova Scotia and New Brunswick were in precisely the same situation now as was the province of Canada during the late war with the United States. Canada might then have easily joined those States, but had not so done; and the same reason which restrained the Canadians then would actuate the inhabitants of Nova Scotia and New Brunswick at the present day; and with respect to desertions, they all knew what inducements were held out in the American war, and how firmly all overtures had been resisted by the British soldiers. He anticipated, therefore, none of the evils from these sources which were dreaded by the hon. Baronet; and he hoped that whatever might be the ultimate extremity referred to in that discussion, Ministers would not agree to the advice of the hon. Baronet, the Member for Oxford, and would not consent to any proposition for a shorter adjournment; he thought that such a shortening of the vacation would be most unsatisfactory, and he trusted that the House and the country would rely on the good intent and discretion of her Majesty's Ministers.

Mr. *Maclean* said, that although it might be distasteful to many hon. Members on both sides of the House that it should meet earlier than the 1st of February as originally proposed, still from the deep importance of this subject, a subject not very appropriately, he thought, offered to the consideration of the House this night, he was prepared to accede to the views of the hon. Baronet, the Member for the University of Oxford, as conveyed in the suggestion he had made. He was of opinion that Parliament should without any loss of time, take into its deep and most serious consideration the present condition of Lower Canada, the rebellious position of which made it necessary to have the opinion of the Legislature of this country; and the earlier the Parliament proceeded to the discharge of that important duty the better it would be both for the character of the mother country and the best interests of the colonies. He could not avoid alluding to some of the points of the speech which had been delivered by the hon. Member for Bridport—a speech remarkable for the singular discrepancies between the doctrine preached by the hon. Member and the conduct hitherto pursued in the House with regard to Canada. The doctrine of the hon. Member for Bridport was, that it signified nothing what had been the language, what the course of conduct, no matter whether it was rebellious or treasonahle, nay, it mattered not to the hon. Member, if the subjects of the Queen were in a state of overt treason, of open rebellion, when he remembered that their complaints had not been attended to by the Legislature of this kingdom. Now he begged to ask whether Canada was a colony of this country, or was she an independent nation? Why, if the hon. Member for Bridport pushed his argument but a few steps further, every colony might take precisely the same ground as Canada, aud when the British Legislature, or the Crown under which such colony was by conquest placed, declared that the colony was wrong in the course which it was pursuing, might say that the course it had taken was right by reason of its being supported by the majority of the people of that particular colony. Nay, the same doctrine might be brought even nearer home. Might it not equally be applied to another portion of her Majesty's dominions separated from Great Britain only by the sea, as indeed was Canada, and then would the hon. Member for Bridport declare that however treasonable the language used, however rebellious the feeling manifested, still it was to be justified by being in accordance with the views of the majority of the people? It was admitted that the Canadas were both colonies of this country, and had established in them two independent legislatures, but at the same time those legislatures invariably conferred with the mother country upon any course that was thought important to be pursued with reference to the government or interest of those colonies. The resolutions at present before him showed that it was the intention of Canada, acting on the principle of her constitution, to submit her grievances to the consideration of Parliament here, and if so, surely Canada was bound by the course the British Parliament might think fit to adopt. [*Oh, oh!*] The hon. Gentleman might cry "Oh," but he would be glad if the hon. Gentleman, whoever he might be would tell him (Mr. Maclean) what became of the doctrine that the majoriry should always take the lead when, if the colony, submitting as it did its interests to the consideration of the Legislature of Great Britain, and a majority of that Legislature refused its sanction to the measure proposed by the colonists,—what became of the argument that they must act in conformity with the views of that majority? Why the Canadians themselves negatived that doctrine. They had represented either real or supposed grievances to the Legislature of this country—those real or supposed grievances had received the solemn deliberation of the House of Commons; and was it to be said that when Parliament, by a large and overwhelming majority, passed the resolutions now before him, and sent them out to the Canadian Legislature, that those resolutions so adopted were to be met with an address, which, according even to the hon. Member for Leeds, was couched in a most insulting tone towards the mother country? Why, if one course was more adapted than another to blow the flame of civil war in the Canadas, it was the course taken on the occasion to which he referred by the House of Assembly, with their Speaker at their head. But when the Earl of Gosford thought it his duty to make a proclamation in the name of her Majesty, was this House to be told by hon. Members who were here the advocates of that course of proceedings which might or might not be treasonable, that it was justifiable in some of the magistracy to be part and parcel of a meeting who tore down the Queen's proclamation and treated it with insult? That meeting had been held to set at defiance Her Majesty's authority, and when those gentlemen were dismissed from the commission of the peace for thus contemning the royal authority they appointed justices of their own, and under a solemn agreement bound themselves to pay no obedience to the law or the courts of the country. Was the House then, under these circumstances, to be told that when the Governor-General saw these events passing before his eyes—that his authority was set at defiance, his whole jurisdiction abolished—he was to be blamed for taking such steps as were due to his Queen and his country against those who so much had violated the bonds of fealty and loyalty? Was it just to designate him as the man who had blown the flame of civil war, and had driven the Canadian people against the Government of the mother country? He should like hon. Gentlemen opposite to say what course they would have recommended to the Earl of Gosford under such circumstances; he should be glad to hear from them what they, in their wisdom, would have done if placed in the same position as that in which the noble Earl stood. He, however would say, that if the noble Earl, instead of pursuing the course he had done, had truckled to the parties engaged in these rebellious acts, he would have ceded the Queen's rights, and, in his opinion, would have been a traitor to his country and his Queen, and would have been taunted, when he returned home, with arrant cowardice in the failure to discharge the high and important functions with which his sovereign had invested him. He did not stand up either to vindicate or to discuss the nature of Lord Gosford's mission; but he would say, looking at all the facts before the House, that it did appear to him somewhat curious to charge the noble Earl with an abandonment of duty, when he had actually been forced into the severe exercise of the powers with which he was invested, by the unfair promulgation of doctrines which militated against the authority of the Crown. The Canadians had been told by some hon. Gentlemen in communication with them, that the time was coming when the baneful domination of this country over the colonies was to cease. Now nothing could be more calculated to excite the colonists and to lead them to suppose that the people of England were favourable to the views of M. Papineau's party than the language used in the correspondence and communications to which he alluded. When it had been understood that her Majesty's Government intended to call Parliament together for the purpose of discussing this subject, he had hoped the angry topics which had been launched forth to-night upon the attention of the country would have been avoided. He regretted that hon. Members opposite should have thought it right to declare that whatever course this question might take, if it came to blows, and her Majesty's troops were brought into collision with those parties engaged in the rebellion, that her Majesty's arms might be defeated. He could not but enter his protest against such language being uttered, especially by hon. Members of the station and rank of those to whom he adverted; and he (Mr. Maclean) trusted that the wishes of the majority of the House would be, however painful it was to contemplate a meeting of the nature all must deprecate, viz., between those who defied the authority of the Crown, and those sent to support and relieve the difficulties of the Governor-General, that if any collision did take place that her Majesty's troops would be successful. He also extremely regretted that in this discussion hon. Gentlemen opposite should have dealt in expressions derogatory to individuals placed in authority in Canada. Of Colonel Arthur he knew nothing; but with regard to the gallant officer now in the command of the troops serving in that colony, and armed with a most delicate and important commission, he would say that the language applied to that gallant officer by the hon. Member for Kilkenny, was not in the most remote degree warranted by anything that was known of him. He spoke as the son of an old officer when he stated that Sir John Colborne was a man highly esteemed in the profession of which he was an ornament, and had discharged many most important services to the country. Sir John Colborne had been spoken of as a firebrand sent from one province to another, and as unlikely to extinguish civil war; but he was sure he spoke the whole voice of the military profession when he declared, that Sir John Colborne did not deserve the imputations which had been cast upon him. In conclusion, he could not but deprecate the unseasonableness of the present discussion, which he thought was calculated to give a false colouring to the events which had happened.

Sir *C. Broke Vere* bore testimony to the great claims of Sir J. Colborne to that respect and esteem which he had acquired among his brother officers. He believed that the character of no officer in the public service stood higher, nor was there one better qualified to have trust reposed in him. He was a friend whom he had not seen for years; but he might safely say that every minister with whom he had had communication in the situation in which he had been placed, whether of the one political party or the other, was perfectly satisfied with the manner in which that gallant officer had discharged his duty.

Mr. *John Ellis* impressed upon Ministers the necessity of withdrawing their consent from any lengthened adjournment. When he considered the nature of the sentiments which had been that night expressed, when he considered that the present debate would be a long way on its road to Canada before the three weeks would be up, and before any counteraction could be given to these sentiments, and when the House remembered that Lower Canada was on the very verge of insurrection, and that the flames of rebellion were ready to break forth there, he trusted that hon. Members would induce the noble Lord to fix an earlier day than the 16th of January for the re-assembling of Parliament. He must at the same time express his astonishment that the hon. Gentleman, the Member for Westmister, so soon after the news of a collision between the British troops and the insurgents had reached England should come down to that House and deliver a speech, he would not say tainted, but at any rate completely pregnant, with gratulation, in which he did not even point out any means of effecting an amicable separation, but suggested means by which the colony might resist that connection with the mother country, which the majority of the English people were most anxious to keep up. He hoped that the debate would be resumed at an early period, and that the language then held would be more in accordance with the sentiments expressed by the noble Lord in his opening speech than had been uttered that evening.

Mr. *C. Hindley* said, that if there were any one vote which he had given in that House with which he was better satisfied than another, it was on the noble Lord's resolutions regarding Canada. He thought that all must most earnestly desire that Government should take some conciliatory steps on this pressing question. He deprecated some of the expressions made use of by his hon. Friend, the Member for Westminster, but he hoped that those expressions would not deter her Majesty's Government from taking those conciliatory steps. If England could keep Canada, let them act towards it as they would towards any other part of the British empire; and if they must part with it; let them part on the best of terms, and make the necessary arrangements for rendering it a prosperous and separate country.

Mr. *Borthwick* remarked, that the last recommendation of the hon. Member for Ashton differed most materially from the course suggested by the hon. Member for Westminster, when he expressed his cordial and hearty approbation to what amounted to all but open rebellion. He, however, thought that the hon. Member for Westminster did not speak the sentiments of the great body of the people, who were indisposed to enter upon a course of headlong revolution. He thought that the country would rather support the dignity of the Crown and maintain the present connection with the colonies. When the Canadians had laid down their arms, when they had returned to peaceful allegiance, then, and not till then, could they talk of the redress of grievances; then, and not till then, could they pay any regard to the suggestion for the peaceful separation of the colony from the mother country. The hon. Member for Bridport had stated his surprise at the course which the Whig party were now taking, and had referred to the opinions of Mr. Burke upon the American question; but he thought that if Mr. Burke were alive he would take the same course as had been pursued by her Majesty's Ministers, that he would assert the authority of the Crown and of the Parliament as the only means of restoring peace and tranquillity to this unhappy province. In conclusion he had only to contrast the wishes of hon. Gentlemen opposite, that the arms of Queen Victoria might be defeated in one of her own colonies, with the desire expressed by the same Gentlemen with regard to Spain: they had then declared that however unjust might be the cause in which they were employed, they hoped that the British arms might never experience defeat; but now, when the cause was just, and the scene was in one of our colonies, they expressed a wish that the same arms might be defeated, and that rebellion might be successful.

Lord *J. Russell* said, he thought the hon. Baronet, the Member for the University of Oxford, could hardly have been in his place when he made the statement which he had originally communicated to the House. He would beg leave, therefore, to put the hon. Baronet and others in possession both of what he had stated, and what he considered the actual circumstances of the case. He had been about to move the adjournment of the House from to-morrow to the 1st of February. There was no complaint made to that, and the House was ready to leave the responsibililty of the arrangement and administration of the affairs of Canada, as well as of the other parts of the empire to her Majesty's Government. In this state of things, he came forward to make a volunteer proposition, namely, that instead of adjourning to the 1st of February, the adjournment should be to the 16th of January; but he did not do so on the ground that the Government felt themselves unable to take measures fitting for immediate emergencies or that he thought it was absolutely necessary that Parliament should be assembled to enable the Government to take those steps which the maintenance of the honour and interests of the Crown required. What he did state was, that he thought, with uncertain intelligence published, and with other intelligence received combined, that it was not according to the Parliamentary constitution of the country to adjourn for five weeks without asking the concurrence of Parliament on that general course of policy which the Government might think fit to pursue. It was with that view that he proposed the adjournment he had last stated; if he had proposed to adjourn for a week he should have proposed that for which there was no immediate necessity, namely, the immediate assembly of the House, and he should likewise have run the risk of there not being that full attendance of Members which he thought necessary in order to take the opinion of the House with respect to Canadian affairs. He trusted thatthehon. Gentleman would be satisfied with this explanation, and that he would perceive that her Majesty's Ministers had no intention to shrink from the responsibility which attached to them, or to cast that responsibilily upon Parliament from any apprehension which they entertained that they should not be able of themselves to adopt measures sufficient for the matters with which they had to deal. Had this debate not been carried on in the manner in which it had been conducted, he should have had little now to add; but he thought it necessary to notice in some degree the speeches which had been made that night, and especially the tone and language adopted in many of those speeches. He did not find fault with the philosophical argument of his hon. friend the member for Bridport, who said that if you had a distant colony and complaints were made by that colony against the administration of the mother country, no matter whether your conduct had been regulated by a strict spirit of justice—no matter whether the notions of their rights entertained by that colony were unfounded — no matter from what part of the colony those complaints proceeded, but in such a case you ought to effect a separation between the colony and the parent state on amicable terms. He knew not, as had already been said by another hon. Member, if he were willing to discuss that philosophical argument, whither it would lead him. He knew not to what parts of this empire such a doctrine, if allowed to prevail, might not at some period of our history be applied. He knew not whether, if his hon. Friend had lived at the time of the accession of the House of Hanover to the throne of these realms, he would have said, Scotland being at that time unfriendly to the Hanoverian succession, that as the people of Scotland wished to have a Sovereign of another race, their desire ought to be gratified, and that the union between the two countries ought to be immediately repealed. He did think that if they were to discuss this question as a mere abstract proposition, it would be found that it stood indeed on very plausible *data*, but that it was irreconcilable with the dominion of a great empire, inconsistent with our position among the nations of the world, and as he believed, in the end, totally destructive of all social order and happiness. But supposing we were to give way to that theoretical and extreme proposition of his hon. Friend, should we avoid, as he stated we should avoid, the bad feelings which would be engendered by civil war, and the disaffection and discontent which at present, to a certain extent, unhappily prevailed in Canada? Did his hon. Friend believe, after the speeches which he had heard that night—did he really believe that those bad feelings would be got rid of by the adoption of such a course? Had he not heard enough to demonstrate to him, that if her Majesty's Ministers should be ill-advised enough to pursue such a line of policy, a large portion of her Majesty's subjects in Lower Canada would be doomed to instant proscription, that they would be subjected to the loss of their property, and would be in danger of their lives, if Government should abandon them at once to the mercy of their enemies? Had the House not heard—not indeed from a Canadian—not from one of French descent, and therefore, less likely to sympathize with natives of this country, but from a Member of that House—a sort of satisfaction expressed at the desertion of British troops, and a hope expressed that they would fail in their allegiance to those colours to which he hoped they would always be attached? Had not they seen, on the part of a Member of that House, a sort of gloating over the confiscation of public and private property in Canada—a confiscation of property the settlement of which was sanctioned by Act of Parliament, given to British settlers under the most solemn sanction of the law, acquired as it was by the proceeds of their own property, which was laid out in Canadian lands? Had they not witnessed a sort of delight expressed at the prospect of these lands being confiscated, and those persons being driven penniless from their homes, and this by a Member of a British House of Commons? If he were to comply with the specific proposition of his hon. Friend the Member for Bridport, did his hon. Friend expect that tranquillity would be restored in Lower Canada, and that protection could be afforded by the Government to all classes of her Majesty's subjects in that country? He must remind his hon. Friend that Government would not be acting a part which became the Ministers of the British Crown, if they did not give protection to British subjects, and his hon. Friend might know that those who were foremost in this struggle against the lawful authority of the Crown had always been actuated by the most deadly animosity against British subjects living in the same country as themselves. He did not believe, from the information which had reached him, that the parties engaged in upholding the cause of rebellion were so much influenced by an abstract love for a particular form of constitution, as by those violent feelings which had grown out of and survived former feuds, and which they thought they should be more likely to gratify during the confusion of civil broils than while the country remained under rhe ordinary and legitimate form of government. But then they were told, as they often had been told, that the course which the Government had pursued was precisely that which this country had followed with respect to America. The hon. Member for London had said that the cases were exactly alike, and had maintained that there was not, as the hon. Member for Newark, who spoke with so much ability to-night, had contended, a dissimilarity between them. He must say that he agreed with the hon. Member for Newark in thinking that these contests were dissimilar in their origin, as he trusted they would be in their result. With respect to America, the first act of the British Parliament was passed, not in consequence of the refusal of the American Legislature to pay their contribution towards the expenses of their internal Government, for they had made large contributions for that purpose, but it was an act granting and applying certain stamp-duties, to be raised in the British colonies in North America, towards defraying the expenses of protecting the same. It was argued by Lord Chatham and by others who took the part of the Americans in Parliament, that we had no right to tax America for that purpose, without their own consent. He would not go through the aspects of the contest, but it was sufficient to say, that while Lord Chatham complained of this conduct on the part of the mother country as an aggressive act, he at the same time declared that this country had supreme legislative power over her colonies in North America. But had this been the story in our Canadian affairs? In the year 1791, a constitution was given to Lower Canda, and settled by act of Parliament. There was a Governor, an Executive Council, a Legislative Council, the members of which were appointed for life, and an Assembly elected by the people. So little was this country inclined to interfere with the privileges of that Assembly, that when they complained that by contributing towards the support of the local Government we diminished the control which the House of Assembly had a right to exercise over that Government, we discontinued our contributions, and gave them the whole power over the finances of their Government. In the course, however, of events in the history of Canada, the connexion between the two houses of their domestic Legislature became disturbed, and complaints arose on the part of the Canadian Assembly that many persons were elected as members of the Legislative Council who were known to be hostile to the Assembly, and that, therefore, they would not act in harmony with the other house, and did not agree to many useful bills. Now, with regard to that complaint, the British Government had never said that the Legislative Council should have the power of stopping the course of useful legislation in Canada. On the contrary, the constitution of that body had been so much improved, that the Government had reason to expect that the two houses might act together in concert. This country had never pretended to tax the Canadas for British objects, nor were the funds raised in the province applied for other than Canadian purposes. But what the Assembly insisted on was, that the Legislative Council should be made elective. That was one of the demands of the Canadians; but they also made another, that the Executive Council should be placed on the same footing as the members of the Administration in this country; and that they should be removable when they did not possess the confidence of the Assembly. These two demands formed together a demand of independence. Such a demand he understood it to be. It was not a demand for the removal of a grievance, but it was a demand to have a constitution, which must be an independent constitution, because it was impossible that the Ministers of the Government in Canada should be removable at the pleasure of the Assembly, and act at the same time upon orders which they received from the Queen's Government at home. When, therefore, this demand of theirs to become an independent state was refused, they, on their part, refused the supplies, and stopped the whole machine of Government. What this country then proposed—to take means to set the machine in motion again—was no act of oppression upon our part; it was not a measure of finance, but a measure of defence; it was a defensive position which England had taken up, in order that the provincial administration might be carried on by some means or other. But even if the Government had conceded these demands, he did not know that even by those means we should have secured tranquillity. Suppose the two Houses had passed a bill by which British troops should not be allowed to enter Quebec or Montreal. The Governor, indeed, might have rejected it, but then he would be obliged to dismiss his ministers, and then the Assembly would refuse the supplies. The difference, then, between the two countries would still exist, with this distinction, that in the case supposed, it would rest on the question of the exclusion of British troops from Quebec and Montreal, instead of arising out of our refusal to make the Legislative Council elective, and the Executive Council of the local government like our own Cabinet. He would maintain, therefore, that there were no features of resemblance between the American and the Canadian contests, except that the former was carried on against one of our colonies in North America, and that the present was with one of our American colonies. He did not like to deal in confident predictions. He had not predicted that the question would be settled by the resolutions passed by Parliament in the early part of the year. He had certainly said, that he hoped the opinion of that House would have a great moral weight with the people of Lower Canada. He must however say, with regard to this contest, that although he would not make any confident predictions, he had no apprehensions of the result. At the same time, he felt it his duty to declare, that he did not look forward to the maintenance of British authority and British dominion contrary to the express wish of the Canadian people. But he did not think, that the people of Canada were at heart indisposed to the British Crown. His belief was, that the resistance which had been made, had been artificially promoted. His belief was, that if by fair means that resistance could be put an end to, that there was no reason why the affairs of Canada could not be conducted in accordance with the interests of the Canadian people; and he saw no reason why, that people being lightly taxed, and suffering no grievance in the administration of the law, they should not remain, after this agitation had subsided, under British dominion, and subject to the Crown of this country. He said, therefore, that notwithstanding all that had passed during the last three years, he did not look forward to any separation between this country and Canada. If our North American colonies were panting for independence, and if Upper and Lower Canada, and Nova Scotia, were desirous of erecting themselves into Sovereign states, he was not sure that hostile powers, who aimed at clipping our strength and impairing our dominion, would be deterred from aggression by a submissive attitude. Allusion had been made to the possible interference of hostile powers in this contest, and it had even been said, that the demands made were likely to lead to such an interference. He could not say that that argument made any impression on him. He could not, indeed, tell whether this contest might not take a shape unforeseen by him, and whether it might not be one in which foreign powers might be engaged. But if this country took a timid and pusillanimous tone—if we sacrificed those who looked to us for protection, deserted British subjects who had always been steady and loyal to their allegiance, and withdrew our troops, that they might be overpowered—if we followed so weak and cowardly a course, then we should invite the aggression of foreign Powers, and give them occasion to say, " Here is the great British nation, which has attained so much glory in war, and prosperity in peace, forced to yield in a contest with one of her own colonies;" and they would think that her sun, which had shone with so much brightness, was sunk in darkness and in clouds. Sure he was, that no course could be more hostile to the British name than if we were to say that in such a contest we would rather look for defeat than for victory. He was sure, that if that House were to use the language which he must say he had, with great pain, heard employed that night, or if the country at large, which he did not fear, were to adopt it, the prevalence of such a feeling would be more fatal to its welfare than any Canadian rebellion. The discontent now existing in Canada, local and partial as he believed it to be, might be overcome or not; but if any spirit of this description were general, if we were disposed to become accomplices in our own fall and degradation, then our Canadian possessions might be left to their fate, and it would be of no avail to summon Parliament together to deliberate on the subject.

Mr. *Harvey* said, it had been understood that the House was to adjourn to the 1st of February. Now, however, they were informed by the noble Lord that they would be assembled again on the 16th of January. Were it not for what fell from the noble Lord towards the close of his speech, it would be difficult to see a reason for this. The noble Lord did not attempt to go into any explanation of the causes that induced him to propose a course so likely to excite alarm throughout the country. The impression abroad must necessarily be, that the motive for calling Parliament together again so soon was to call for men and money. But they had been told that the proceedings going on in the colonies excited the just alarm and fears of the Government, and that instead of adjourning the House to the period originally proposed, they intended to limit the adjournment to a very short period. Her Majesty's Ministers had at length relieved them from the difficulty they were under, for it was clear they were to have war—to have war for that which the noble Lord had described as merely a philosophical and abstract opinion; and in answer to the advice of his hon. Friend, the Member for Bridport, the noble Lord, in the glowing conclusion, said that they were to have a war of opinion—that concession should not be made even upon matters of the nature he had stated, even if the inhabitants of all these colonies, even if the whole people of a country were unanimous in complaining of the existence of abuses. They demanded redress by the change in the form of the Government, as the best adapted mode of working out an end to the evils they were exposed to; but it was refused to them. The noble Lord endeavoured to convince the House that there were no practical grievances in Canada; but he would ask whether an instance could be suggested, in early or later history, where the great majority of a people had enlisted themselves in support of a mere abstract proposition, unconnected with any possible or immediate advantage to themselves? The great evil that had now been complained of by those who were anxious to effect great changes, involving important philosophical considerations, was the sluggish inclination of a people to enlist themselves in support of such opinions. Whenever a people manifested prominent resistance it must arise from some long existing and generally prevailing grievance. Whenever they went into the consideration of a subject of this kind, he should fairly look to this fact to form an opinion as to the nature of the grievance. But could any one read the documents on the table, and say that no grievances or just causes of complaint existed in Canada? Had they not for the last ten years had the subject constantly before them? Had not numerous Committees sat up stairs and Commissions been sent out to Canada which had furnished several reports? Had they not also statements made by persons competent to make and authorised to make the state of affairs in that country known to the Parliament? And were they now to be told that the only cause of complaint that existed in Canada was imaginary, and that the whole cause of the present state of things was, that a few discontented persons had been hied on by certain French partisans to support some philosophical dogmas which were unconnected with any real grievances? He could understand that the noble Lord was anxious to maintain the British dominion in its present extent, and was most desirous of preventing the separation of any, even minute, portions of it; but he would ask were they to be told that the people had nothing to do with the mode in which justice was administered? It was an evil that had long been a subject of just complaint in Canada that the judges selected to preside in the courts in that colony were the least capable that could be appointed. They had long complained, and had at last been goaded to resistance by the continued insults that had been offered to them. The noble Lord said there was no analogy between the cases of Canada and the United States: the latter he said was a struggle for a great principle and for the attainment of an important and just object, and that he rejoiced at the result. The noble Lord stated, that there was no analogy between the cause of the people of the United States and the cause put forward by those who advocated the cause of Canada. Now, it appeared to him that the case of Canada was the stronger of the two; for the United States had for some time submitted to the Legislative pre-eminence of that House; and their principal complaint arose after a great delay, namely, that the British legislature had no right to tax the people of the colonies without their assent and concurrence; but in Canada they had an Assembly with functions coeval with those of a British House of Commons; and because that Assembly did not choose to submit to the control and authority of the Upper Chamber, that House in the plenitude of its power was called upon to sanction steps most unconstitutional in their nature; taking from the treasury of that country monies which had been voted by the Assembly for internal purposes, and devote them to purposes altogether extraneous. The noble Lord said, and he had no desire to impair the conviction in his mind, that this would be only a partial contest: but he had reason to believe that the disturbances in Canada would be of a more serious and determined character. The whole country must now understand the character of the proceedings in Canada, for hitherto they had not felt deep interest in these matters, connected as they were with a distant colony; but now that the people understood the grounds upon which the contest proceeded, they would express their opinions on the subject. It had ever hitherto been admitted that every free people should, by its Representatives, declare how it would be governed; and it was for them to say whether it should be by an Executive Council appointed by the Crown, or by one elected by universal suffrage. This, indeed, was one of the first principles of every free Government. Whether or not the people of Canada were well advised in their course of proceeding it was not for him to say; but it was clear that the Government meant to say that the people of Canada were not competent to declare what the form of Government was which they considered most consonant to their best interests. The noble Lord said that if they did not check this feeling in Canada it would be impossible to say where it would stop; and he seemed to think that almost the existence of the constitution of the country depended on the defeat of the people of Canada. He was not one who thought so little of the stability of the constitution of the country as to suppose it depended on the success of an altercation with a colony or that giving to the colony the same independence that we enjoyed ourselves would impair the power or diminish the independence of the Crown. On the contrary, they would show how little they apprehended danger from external violence by extending to others the same blessings of free Government which they themselves enjoyed.

Mr. *Wakley* could not allow the debate to close without asking one question. The debate had now lasted six hours, and he would ask any hon. Member whether there was one single fact which had been communicated by the Government with which he was not before acquainted? Had Government no information to give? He wished to know whether on the 16th of January they would be equally uninformed or equally taciturn? This was not treating the House or the people of England with proper respect, whose blood and whose treasure would be poured out in support of the dreadful principle which seemed to be indicated by the speech of the noble Lord. If the noble Lord were to tranquillise that country to-morrow at the point of the bayonet, what species of tranquillity would he produce? A tranquillity under which there would undoubtedly be concealed a feeling of revenge, a feeling which would only thirst for an opportunity to satisfy itself. He would tell the noble Lord what he must already be aware of, that the time had come when intelligence was not to be controlled by that species of brute force which the authorities in this country seemed to be so desirous of employing. Even at the eleventh hour he implored her Majesty's Government to hold out to Canada the olive branch of peace. In doing so they would indeed evince more magnanimity of disposition than they could possibly lay claim to even if their present proceedings were covered with the glory of a conquest. He implored of them to acknowledge that they were in error, in resisting the wishes of the people—to tell the Canadians at once that the grievances of which they complained were just, and that they (the Government), expressing regret that such grievances should ever have existed, were ready and disposed to redress them. Inquiry had been made into the subject in 1828, but had the grievances then proved to have existed been redressed? On the contrary, it was notorious that they had not, but that they had remained unredressed up to the present hour. Hon. Gentlemen opposite asked how was it possible they could hold communion with a people who were in a state of rebellion? He would answer, that they should commune with them through the voice of reason, of justice, and humanity, not through the medium of British artillery—not by the roar of cannon and the brandishing of bayonets, but in the soft and soothing accents which reason and philanthropy would suggest. Nothing was more foolish, nothing indicated more strongly that unfortunate state of mind, than for men, conscious of doing wrong, to proceed in their course of error rather than confess their fault and endeavour to repair the injury which it might have inflicted. He would address himself to the people of England through that House, and entreat every friend to the popular cause, every Friend to that democratical principle which was extending itself in spite of every effort made to retard its progress, to state clearly what was their feeling with regard to Canada. He would entreat of them to assemble and declare their opinions on the subject, and then call upon the Members of that House to reiterate those opinions at the re-opening of Parliament on the 16th of January. If the people of England did not make a strong manifestation of feeling in reference to the course which her Majesty's Ministers seemed determined to pursue, he feared very much that the country would be engaged in one of the most unjust, cruel, and oppressive warfares ever undertaken by a civilized nation. If they did but commence in earnest in the province of Canada, it would be impossible for any man in that House or elsewhere to predict where or what would be the termination of hostilities. Had the noble Lord, the Secretary of State for the Home Department, seen the newspaper which had been published that day in London, he meant the second edition of *The Times* newspaper, containing accounts from Canada of the burning of villages and the attacking and slaughtering of her Majesty's troops? He put that question to the noble Lord, because he believed that while such intelligence was spread throughout the city through the medium of a public journal, not a word was known upon the subject at the Colonial-office in Downing-street. Surely that was not the way in which the noble Lord could hope to secure the support of the people of this nation—certainly it was not the mode by which he could give satisfaction. He would sit down by imploring her Majesty's Government to retrace their steps, and to offer to Canada the hand of peace.

Mr. *Leader* said, that he had been taxed very severely by those who had taken a different view of the subject from himself. These attacks upon him had been commenced by the hon. Member for Ashburton, from whom he did not anticipate an attack, and were concluded by the noble Lord, from whom he did anticipate an attack. It had been supposed that he had expressed something like a feeling of rejoicing and gratification at the prospect of the defeat and desertion of the British troops. Now, nothing was further from his intention than expressing anything like such a feeling at the defeat and disaster of his fellow-countrymen in Canada. If such had been the impression of the House, he could only say that he had no intention to express any such feeling, as it did not represent the state of his mind. All that he intended to state was, that the British troops were likely to desert, and that a greater force would be arrayed against the British toops in Canada than the Government or the House seemed to expect, and that they were very likely to meet with checks and defeats.

Mr. *Hume* expressed a hope that the noble Lord would lay on the table the papers relative to Upper Canada and the other North American provinces, as well as Lower Canada.

Lord *John Russell* replied, that the papers relative to Lower Canada, which would be presented to-morrow had occupied so such time in their preparation that he feared that all the papers relative to Upper Canada could not be laid on the table; they should, however, be furnished with as little delay as possible.

Motion for Committee of Supply withdrawn.

Duchess of Kent.] On the motion that the Report of the Duchess of Kent's Annuity Bill be received,

Colonel *Sibthorp* said, that however painful it was to him to rise for the purpose of again moving the amendment upon which he had last night taken the sense of the House, yet he could not hesitate performing that which he considered his duty under any circumstances. He would take that opportunity of deprecating the indecent degree of laughter with which his observations upon this subject were last night received by the members of her Majesty's Government—who must have supposed that he was acting with an undue regard to the feelings of that illustrious individual to whom his Amendment related. He must say, however, that such a supposition came with a very bad grace from them, and that he considered there was much greater disrespect exhibited towards her Royal Highness in the laughter which came from the Ministerial benches than there was in any observation which fell from his lips. He begged to repeat that he had the greatest possible respect for that illustrious lady, and acted solely from a sense of duty. With respect to the motion he last night made, he only wished to observe that many Gentlemen, who on the hustings professed themselves the advocates of reform and retrenchment, went out and voted with the Government upon it, and shrunk from the performance of that duty which many of them had promised they would on that occasion discharge. As the hon. Member for Bridport had said that night, " Their conduct would have been very different if a general election were near at hand." He had two other clauses he wished to have added to the Bill; but as he had not given notice of them he was afraid he could not move their adoption by the House without first having done so. Under these circumstances he should again take the sense of the House upon the amendment he last night submitted to it. The gallant Member moved " That it shall be lawful for her Majesty to give and grant, by letters patent, under the Great Seal of Great Britain, to her Royal Highness Maria Louisa, Victoria, Duchess of Kent, for the term of her natural life, for the adequate provision for her said Royal Highness, a certain annual payment or annuity of 22,000*l.* of lawful monies of Great Britain, in lieu of the proposed grant of 30,000*l.*"

Mr. *Harvey* hoped the hon. Gentleman would give notice of any further amendments he might have to propose to this Bill, and not allow his proposition to be received by the House with ridicule. He was one of those who thought there was no reason whatever for the haste and hurry which had been evinced in passing this Bill—and who considered that this 30,000*l.* ought not to be granted to the Duchess of Kent, under all circumstances. He trusted the hon. and gallant Gentleman would not, therefore, allow himself to be moved from his mild course.

Amendment withdrawn. Report received.

HOUSE OF LORDS,

Saturday, December 23, 1837.

Minutes.] Bill. Read a first time:—Duchess of Kent's Annuity.

Petitions presented. By the Marquess of Lansdowne, from several Parishes in the county of Meath, for the Abolition of Tithes.

Her Majesty went in state to the House of Peers to-day to give her assent to the Civil List Bill, and thank the Parliament for it. The Commons having been summoned to the bar of the House of Peers, The Speaker then addressed her Majesty to the following effect:—

"Most Gracious Sovereign,

"We, your Majesty's faithful Commons, approach your Majesty with dutiful respect. In making provision for the support of the dignity and honour of the Crown we have acted in a liberal and confiding spirit, trusting that that which has been freely granted will be so administered as to conciliate the favour and command the respect of your Majesty's people. I now beg leave to tender to your Majesty a Bill, entitled "An Act for the support of her Majesty's household, and of the honour and dignity of the Crown of the United Kingdom of Great Britain and Ireland, to which we humbly pray your Majesty will be pleased to give your royal assent."

Her Majesty rose and curtsied in acknowledgment.

The royal assent was then given to the Bill in the usual form, and also to the Slave Compensation Bill, the Juries at Sessions Bill, the Houses of Parliament Bill, the Municipal Declaration Bill, the Prisoners' Conveyance (Ireland) Bill, and several Naturalization Bills.

The House adjourned to Tuesday, the 16th of January.

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HOUSE OF COMMONS,

Saturday, December 23, 1837.

Minutes.] Bill. Read a first time:—On the motion of Mr. Wakley, Finsbury Small Debts.

Petitions presented. By Mr. Ward, from Sheffield, for Vote by Ballot.

Duchess of Kent.] On the Order of the Day for the third reading of the Duchess of Kent's Annuity Bill being read,

Sir *G. Sinclair* said, that he rose with great reluctance to address the House on this occasion; but the more any duty was painful in itself or likely to be followed by circumstances of personal disadvantage, the more it was incumbent upon any honest public man not to shrink from the faithful discharge of it. When the message in reference to this grant was first read from the chair, he had anticipated a very different arrangement from that which had since been submitted. He thought that the two grants of 6,000*l.* each, awarded expressly for the support and education of her Royal Highness the Princess Victoria in 1825 and 1831, had, of course, reverted to the public, certainly in point of equity, and probably in point of law, in consequence of her Royal Highness's accession to the throne, and that her Majesty's Ministers intended to propose that a part, or even the whole, of this sum, should be settled for life upon the Duchess of Kent, although, from the crown having devolved upon her royal daughter, her Royal Highness had been exonerated from the greater part of that very expense on account of which the two additional sums had been successively voted by Parliament; for, in his opinion, what was termed her Royal Highness's nearer proximity to the throne had rather diminished than augmented the demands upon her income. To this proposition he was persuaded that a cordial and unanimous assent would have been given. He deeply felt, and gratefully acknowledged, how much the country was indebted to her Royal Highness for the unwearied solicitude and sound discretion with which her Royal Highness had superintended the education of our beloved Queen, although he might be excused for adding, that he trusted there were in the humbler spheres of life hundreds of attached and anxious mothers who had attended with as exemplary a faithfulness to the discharge of their maternal duties. He could not but take this opportunity to observe, that both in this House and out of doors, a custom was far too prevalent of showering down upon illustrious personages exaggerated panegyrics, to say nothing of fulsome adulation. It was cruel and unjust to poison their minds with inflated encomiums, which tended to make them think of themselves above what they ought to think, and forget that they are by nature subject to like passions with the wicked, and to like infirmities with the weak. The question now before the House was a very simple one; it was neither more nor less than this—namely, whether an illustrious personage could enjoy all the comforts and maintain all the splendor of her rank upon a clear income of 22,000*l.* per annum, amounting to above 400*l.* per week—an income equivalent to the laying of sixty golden sovereigns upon the breakfast table every morning, and this without any deduction whatever—no house-rent — no taxes — Kensington Palace and Claremont kept up at the public expense —no ill-paid rents—no fluctuations in the value of property—no local burdens —no insurances to provide for younger children. He could not lay his hand upon his heart, and maintain the inadequacy of such an income for such a purpose, and he must, therefore, respectfully object to the new grant of 8,000*l.* per annum. One sentiment was often uttered by Gentlemen, and loudly cheered on all sides, which was not nearly so often expressed by candidates on the hustings as by Members in the House — namely a disregard for popular applause. He should be sorry to purchase the approbation of any individual, or class of persons, by a sacrifice of principle; but he must say, that, in his opinion, it required more moral courage to brave the frowns of a court, from which honours and affluence might be expected, than to disregard the smiles of the people, who had nothing to give or to take away. He thought, that profuse or unnecessary grants to the members of the Royal Family tended to bring the Monarchy into discredit and the House into contempt. He had acted consistently in this view of the subject, and not without a sacrifice of private feeling and of personal interest. He well remembered, that in 1819 a proposition was brought before Parliament for allowing 10,000*l.* to the Duke of York, as *custos* of his royal father—a proposition submitted by a Tory Government, which he was supporting, and strenuously opposed by the Whigs, who were not then in power, and were politically adverse to his Royal Highness. In spite of his Royal Highness's proximity to the Throne (to which he was immediate heir presumptive), in spite of his eminent and acknowledged services at the head of the army, Mr. Tierney, the then Whig leader, made an eloquent appeal against the grant, and two divisions took place, on both of which he had the good fortune to vote with the noble Lord opposite, and all the principal Whigs of that day—one proposition being, that the 10,000*l.* should be charged on his Majesty's privy purse, a course which he humbly thought might with singular propriety have been followed on this occasion. Times are now changed, and the Whigs are in the full tide of court favour; but his own principles continued the same; he would act in 1837 as he had done in 1819, be the consequences to himself what they might. He hoped he had expressed himself calmly and respectfully: the duty which had devolved upon him was a very irksome one, but he had followed the dictates of his conscientious conviction, and should content himself with entering his protest against the grant.

Sir *Robert Inglis* said, that if the dissent which had been expressed proceeded only from those with whom he generally differed, he would not think it necessary to express any opinion; but when that dissent had been expressed by one whom he so much valued and respected as his hon. Friend, the Member for Caithness, he should not be doing justice to his own feelings if he did not state his opinions in a few words. He hoped that he should, equally with his hon. Friend, be found indifferent to the smiles of a Court, or the frowns of the people, in the honest and conscientious discharge of his duty. However, he did not think that this question was to be decided by reference either to the one or to the other. The question was merely one of calculation, and was to be considered in reference to the actual situation of the illustrious person in reference to whom this grant had been proposed. It had not been stated that it had been in the course of probability that the Duchess of Kent might have been Queen of England. If her husband had lived, she would now have been Queen Consort: and this ought not to be forgotten in estimating her actual position relatively to their only child and to the Throne. As it was, she was now the mother of the Queen—a position certainly far more prominent and exposed to a greater scale of expenditure, and entitled to more consideration, than that which she recently occupied. He believed that the amount now proposed was not the utmost which was originally proposed for her Royal Highness, and that the country was indebted to the disinterestedness of her Royal Highness for the refusal of a much larger sum in a different shape. There was a prevalent rumour abroad which he believed to be true, but which he did not mean to call upon the noble Lord either to affirm or deny, that a much greater sum had been proposed to her Royal Highness's acceptance in another shape. There was a report that the payment of her Royal Highness's debts had been offered and had been distinctly refused. He had had no communication with her Royal Highness, nor did he know anything of her debts, or whether she had any debts, but if such a report were well founded he thought that they were indebted to her Royal Highness's liberality. He could not refrain from repeating his regret that any opposition to the Bill should come from that side of the House; and, in conclusion, he hoped the House would cordially concur in the third reading of the Bill.

Sir *E. Codrington* expressed his full approbation of the grant in question. The people of England would readily pay for services to the country, and he considered her Royal Highness had rendered most valuable service by her whole deportment, as also by the manner in which she had educated her illustrious daughter.

Colonel *Sibthorp* — Though he had heard the right hon. Baronet express his regret that the opposition to the Bill should come from that side of the House, he must tell that Right hon. Baronet that he might pursue what line of public conduct he thought proper, but at the same time the hon. Baronet must leave him the same liberty to pursue what line of conduct in public affairs he thought his duty prescribed. Though he sat on that side of the House he would not be bound to the politics of that side or any other. He could with perfect consistency oppose any measure which he did not like, come from what side of the House it might. The two hon. Baronets who had preceded him had said it was with pain they spoke upon the measure. It was with pain that he considered such an important subject had fallen to his hands as to oppose the nefarious doings of that Government which came in on the principles of economy and retrenchment. He had no doubt but there were debts, and it would have been much more honest and manly had the Government at once come forward and laid the state of the case before the House. Though he had been unsuccessful in his endeavours to reduce the allowance to 22,000*l.*, yet he would persevere in his duty, and bring forward two other motions.

The *Speaker*—Those motions can only be made after the Bill has been read a third time.

Colonel *Sibthorp* would content himself, then, with protesting against the Bill, and would move the clauses after the Bill had been read a third time. This grant was unnecessary and uncalled-for on every account. He (Colonel Sibthorp) could not forget what he owed to the public, and he would not buy favour from anyone by neglecting what he considered to be a public duty. He had only expressed his honest and undisguised opinions, and he saw no reason to retract one syllable of what he had uttered. But, with such a House as the present it appeared to him to be totally impossible to oppose the Bill. He should, no doubt, have to give an account of his conduct to the constituency he represented. [" *Hear*," from Captain Pechell.] He feared not what the gallant Captain might have to say, and he had no doubt that he should go with as a clear a conscience to his constituency as the hon. and gallant Captain would. He had no doubt the same result would then follow as had followed the late election—namely his return to parliament by a large majority of electors. He did not intend to divide the House.

Bill read a third time.

On the question that the Bill do pass,

Colonel Sibthorp again rose, and proposed the following amendments:—

" That it shall be lawful for her Majesty to give and grant by letters patent under the Great Seal of Great Britain to her Royal Highness Maria Louisa Victoria Duchess of Kent, for the term of her natural life, for the adequate provision for her said Royal Highness a certain annual payment or annuity of 22,000*l.* of lawful monies of Great Britain, in lieu of the proposed grant of 30,000*l.* Provided always, and be it further enacted that in case her Royal Highness Maria Louisa Victoria Duchess of Kent shall, after passing any grant by Act of Parliament for the sole and separate use of her said Royal Highness, marry with any person, without the consent of both Houses of Parliament, or shall cease to reside in, or shall absent herself from, the United Kingdom of Great Britain and Ireland, without such aforesaid consent, for more than twelve months at any one period, or without the intervening period of six months' residence in Great Britain shall afterwards return abroad, a portion, not exceeding one half, of such grant as may be given by way of annuity to her said Royal Highness, shall, in either such case absolutely and entirely cease—that is to say, immediately after such marriage, or such period of absence, or, at any rate, from and after the payment of the quarterly portion that may be first due, and such portion of annuity shall be hereafter wholly void of any claim whatever on the part of her Royal Highness Maria Louisa Victoria."

Lord *John Russell* opposed the bringing up of the clauses. One hundred thousand pounds had been granted to the Queen Dowager, and no condition was attached to the grant, either with regard to her residence in this country or in any other respect. As to the Duchess of Kent, he thought that it would be unbecoming to impose any such restrictions as those now proposed to the House. He begged to recal the attention of hon. Members to a few circumstances connected with her Royal Highness the Duchess of Kent. When upon the death of her husband, and large debts had been incurred, it was to be remembered that her Royal Highness had the temptation before her—she who had been born and bred a foreigner—to go to another country and to reside there during the infancy of the Princess Victoria. The Duchess of Kent, however, preferred her duty to what might be considered her inclination, and determined upon bringing up her daughter here. In 1825, it was proposed by the Ministry of the day, to increase the grant to her Royal Highness—they did propose it, and to that proposal no condition was attached. If it were ever proper to propose such a condition that was the proper time for doing it, as the Duchess of Kent then had the care of her daughter, and the main object of the grant was to be applied for that purpose. Parliament showed its confidence in her Royal Highness; while, with respect to another royal person, Parliament imposed restrictions; but, doing this, they felt no disposition to impose restrictions upon her Royal Highness, and the confidence then reposed had been proved to be well deserved, and was fully sustained. Besides, as they were aware, the Duchess of Kent having the best preceptors for the Queen, he must mention this fact, which he did not know had been stated before, that when the present Queen was eleven years of age, not content with what she had done, the Duchess of Kent referred to the Archbishop of Canterbury, to the Bishop of London, and the Bishop of Lincoln, to inquire into the education bestowed, and to suggest what other course would be the most suited, to make her, if it should please Providence that she should be called upon, fit to reign over this country. Another grant had been made by Parliament in 1831; no condition was annexed to that grant; the same confidence before reposed in her Royal Highness by Parliament was continued; and he thought that no one could contradict the assertion that that confidence of Parliament had not been misplaced. Having, then, upon former occasions, made these grants without any restriction, now that they were to express their gratitude for the care that had been bestowed upon the Sovereign, and when they had to consider that her Royal Highness was now nearer to the Throne than she had been then—now, when they had to do this, was there not to be the same liberality manifested towards her Royal Highness, when her task had been successfully performed? In such circumstances, he considered it would be most unbecoming, it would be most indecent, if the motion proposed were to be successful, and that restrictions were imposed which could only be regarded as derogatory to the merits of her Royal Highness.

Mr. *Briscoe*, in supporting the Bill declared, in reply to the hon. and gallant Member for Lincoln, that it was his opinion that her Majesty's Ministers were entitled to the gratitude of the country.

Clauses negatived. Bill passed.

ADJOURNMENT.] Lord John Russell having moved, that the House, at its rising, should adjourn to Tuesday, the 16th day of January,

Lord *G. Bentinck* moved, as an amendment, that the House should be called over on Thursday, the 28th of December. He did not think it would become them to sleep over the Christmas holidays. It would be much more proper that the House should meet and be prepared unanimously to support the Government in any strong measures that might be necessary to put down the incipient rebellion in Canada. He thought the House ought to meet as soon as possible, and express its unanimous opinion to vote such supplies as would be sufficient to enable the Government to overwhelm this rebellion in its infancy. He therefore moved, that the House should adjourn to Thursday, the

28th of December, and be called over on that day.

The House divided on the original motion:—Ayes 44; Noes 7:—Majority 37.

VENTILATION OF THE HOUSE.] Mr. *Wakley* said, that before the House separated he was anxious to draw their attention, and he would do so very briefly, to the state of the House with regard to its ventilation. He certainly admitted, that under the plan lately adopted and put in practice in the House, the atmosphere underwent more frequent changes than under the old system. There was more freshness in the air they respired, but still the new plan was attended with many disadvantages. The air was rendered so hot and dry by the process which it underwent before entering the House, that those Members who were subject to soreness of throat were kept in a state of constant irritation and suffering. He would indeed venture to say, that all those Members who attended closely to their duties suffered more or less from the defective state of the atmosphere in that House. He had himself, in the last Session, suffered severely, and as he felt symptoms of a return of that suffering, unless some better mode of ventilation were adopted, nothing would induce him to retain his seat, as he would not sacrifice his life for the benefit of any party. A gentleman of great scientific reputation had lately examined the place in company with him (Mr. Wakley); and, with the permission of the House, he would read the statement which that gentleman had drawn up as the result of his examination. The gentleman was Dr. Arnott, and the statement he drew up was as follows:

"Memorandum of an Inspection made by me, this Day, the 22d of December, 1837, of the Arrangement for Ventilating and Warming the House of Commons.

"In regard to ventilation, I found the great chimney-pump acting strongly, and able, with a small part of its power, to change the whole air in the House in half an hour or less.

"In regard to heating, I found a collection of flat iron boxes filled with hot water, and sufficient, apparently, to warm as much air as can be required for abundant ventilation in a cold day.

"But in regard to ventilation, I found the fresh air entering the House through numerous small openings in the floor, and then through a carpet, on which necessarily is deposited a quantity of mud and dust from the boots and shoes of the Members. This deposit is soon, by the passing warm air, converted into a fine or subtle dust, and is carried up to be breathed by the Members present.

"And in regard to warming, I found that the air was merely heated, but not tempered by moisture. Now, atmospheric air everywhere on earth has naturally a quantity of moisture in it, bearing a certain proportion to its temperature, and which moisture is essential to the health of the organised beings living in it: and it is on this account that over the continent of Europe, where dwellings are generally warmed by close stoves, vessels of water are always placed on the stoves, to diffuse moisture.

"The two defects mentioned account sufficiently for the dry throats, cough, feverish heat, &c., complained of by Members, and for the much dust found in their dress, and the little left to be swept away, as of old, from the floor.

"The remedies are—1. To give moisture to the air in any of the usual ways, as by suspending in the heating-chamber a sufficient extent of cloth kept wet. 2. To admit the fresh air into the House through openings not in the floor, but above the floor, in the perpendicular surfaces around, and which openings shall be of sufficient amount to prevent the current through them being at all felt by persons sitting near them. These, or equivalent remedies, would, I am sure, have been suggested by Dr. Reid, the proposer of the present arrangements, had he, by being in London, had the opportunity of seeing the present defective working of his plan; and if they are adopted, the objects will still be attained according to his general principles.

"N. ARNOTT.

"Bedford-square, Dec. 22, 1837."

Now, such being the opinion of Dr. Arnott, he was sure it must be evident to every hon. Gentleman who heard it, that the present mode of ventilation, improved though it undoubtedly had been, was still attended with extreme danger. He hoped that the matter would not be lost sight of, but that, on the contrary, it would be at once taken in hand by the Government.

Mr. *Warburton* concurred in every observation that was contained in the statement made by Dr. Arnott. In a matter that so deeply affected the health and the lives of the Members of that House, he thought that no delay whatever ought to take place in applying a remedy.

Mr. *Hawes* said, that as Chairman of the Committee under whose direction the plan of Dr. Reid had been adopted, he hoped he might be allowed to say a few words on the subject. He did not know that the hon. Member for Finsbury was about to bring this matter before the House, or he would have been prepared to make a further statement. In the first place he must express a hope that no material alteration would be made in the present mode of ventilating the House without consulting with Dr. Reid, the original projector of the novel plan of ventilation. A very great improvement had undoubtedly been made under the direction of Dr. Reid. The House was greatly indebted to that gentleman, and he hoped that the House would not allow the principles of Dr. Reid's plan to be applied in a somewhat altered form without first consulting Dr. Reid.

Sir *John C. Hobhouse* said, that the present mode of ventilation was still attended with great inconvenience and danger. He had gone over the House in company with the hon. Member for Finsbury and Dr. Arnott, and it did certainly strike him that the present system was capable of much amendment. He was not prepared to give a scientific opinion on the subject, but it did appear to him that the alterations suggested by Dr. Arnott were feasible, and might be introduced at a small expense. He begged to be understood as not by any means undervaluing the services of Dr. Reid, but he thought the plans of that gentleman were capable of some improvement. He thought that the hon. Member for Finsbury was entitled to the thanks of the House for introducing this subject; it was one in which the sympathies of the House were entirely with him.

Sir *E. Codrington* said, that the ventilation of the House was so imperfect that he every night suffered from it.

Mr. *A. White* said, that since he had been in the House he had suffered from cough to a very great degree. He hoped that the Secretary to the Treasury would not grudge a small sum of money in order to enable Members, without a serious sacrifice, to do their duty to their constituents.

Mr. *F. Baring* was sure, that after the conversation that had passed, there would be no objection on the part of the Government to forward the wishes of the House; on the contrary, he could promise that their best attention should be applied to this subject. He could assure hon. Members that the Government would not be reluctant to incur any fair and reasonable expense in endeavouring to improve the ventilation of the House. With regard to what had been already done, the Government acted upon the feeling that they were trying an experiment, and that, therefore, they ought not to incur any large expense until there was some fair reason to suppose that the experiment would succeed. With respect to Dr. Reid, of course no measure ought to be taken without first consulting with him. His impression was, that Dr. Reid had already received remuneration for his services. As, however, his hon. Friend, the Member for Lambeth, stated that such was not the case, he would be sorry to put his recollection against the statement of his hon. Friend. Before that evening had elapsed he would take care to make inquiries on the subject.

Mr. *Wakley* said, that as the sense of the House had been so unequivocally expressed, it was not necessary for him to trouble them with another word. He would only add that he hoped, that if Dr. Reid had any prejudices on this subject, he would be aided by those who had no such prejudices. The existing evil was very great, and unless it was overcome or counteracted by some means or other, he was perfectly satisfied that it would be attended with serious results.

Mr. *Hawes* said, that whilst they were upon the subject of the improvement of the House, he would suggest that a great improvement might be made in the mode of taking divisions. He would suggest that a second door should be made for the purpose of facilitating the taking of divisions. At present a division occupied a considerable time, as the Members who went out first necessarily came in last, and therefore all were desirous of being amongst the last to leave the House. If there were two doors, the Members might go out through one and return through the other; and as by this mode those who went out first would be the first to return, he thought that a great saving of time would be effected.

House adjourned till January 16.

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